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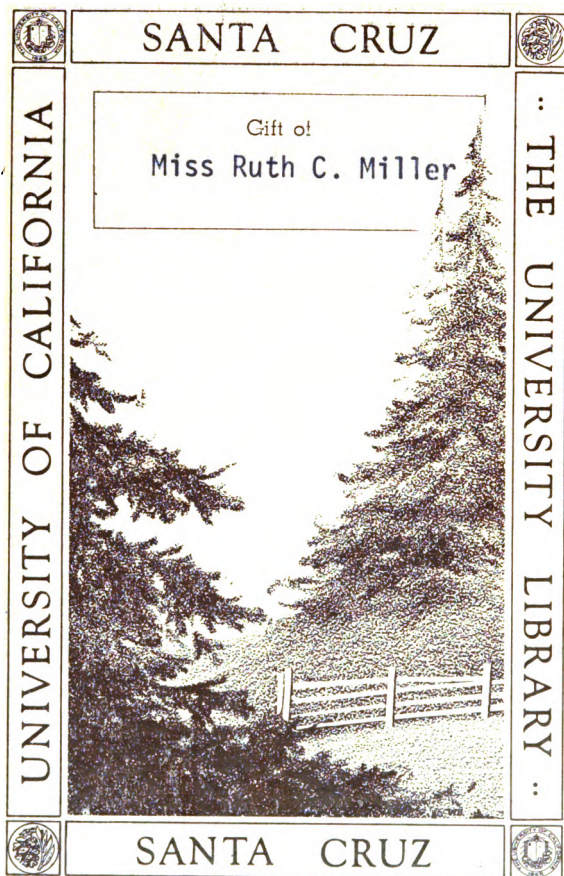
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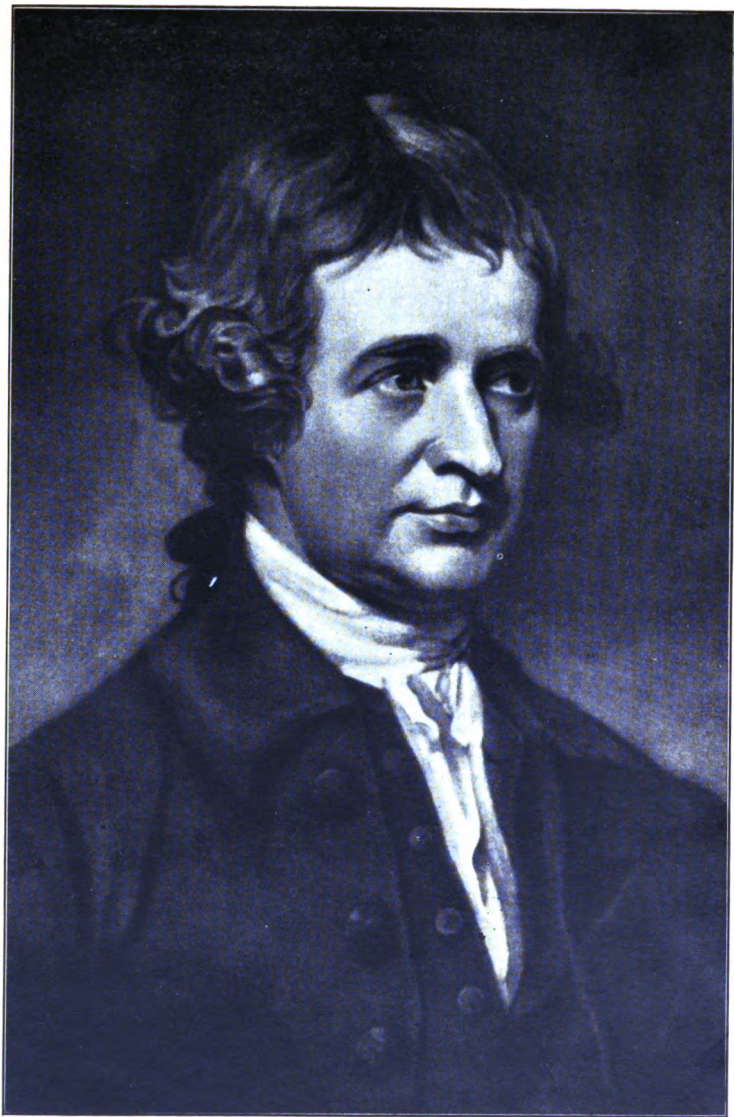


Portia Mellow.









EDMUND BURKE

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# **GREAT BRITAIN AND IRELAND**



# LORD CHATHAM

**W**ILLIAM PITT, first Earl of Chatham, was born at Westminster in 1708.

He was the grandson of Thomas Pitt, Governor of Madras, who was known as "Diamond Pitt" from the fact of his having sold a diamond of extraordinary size to the Regent Orleans for \$680,000. William Pitt was educated at Eton, whence he passed to Trinity College, Oxford. It is an interesting fact that Demosthenes was his favorite author. After spending some time in France and Italy, he entered the army, but his military career was short. In 1735 he entered Parliament for Old Sarum, a rotten borough belonging to his family. He soon became a leader of the opposition to Walpole. In 1746, he became Vice-Treasurer of Ireland, but soon resigned this post to take the more important and lucrative office of Paymaster-General of the Forces. He refused to profit, however, by the practice of previous paymasters, who had appropriated to themselves the interest of all money lying in their hands. He was dismissed from office by the Duke of Newcastle in 1755, but in December of the following year he became Secretary of State and leader of the House of Commons. In 1757 he was the virtual head of the administration, and continued in power till 1761. During these four years it is customary to say that Pitt's biography is the history of England. When he resigned office in 1761, he received a pension of £3,000 a year for three lives, and his wife was created Baroness Chatham in her own right. For himself, he still preferred to retain the title of the "Great Commoner," but in 1766, when he was invited to form a Cabinet, he accepted the office of Lord Privy Seal, and thereupon became Viscount Pitt and Earl of Chatham. In 1768 he resigned, and did not resume his seat in the House of Lords until 1770. His last appearance in the House of Lords was on April 2, 1778, when he opposed the Duke of Richmond's motion for an address praying the King to conclude peace with America on any terms. He died on May 11 of the same year. The speech which we here reproduce was one of many pronounced against the policy followed by Lord North in dealing with the American Colonies.

## THE ATTEMPT TO SUBJUGATE AMERICA

DELIVERED IN THE HOUSE OF LORDS, NOVEMBER 18, 1777

**I** RISE, my lords, to declare my sentiments on this most solemn and serious subject. It has imposed a load upon my mind, which, I fear, nothing can remove; but which impels me to endeavor its alleviation, by a free and unreserved communication of my sentiments.

In the first part of the address, I have the honor of heartily concurring with the noble earl who moved it. No man feels sincerer joy than I do; none can offer more genuine congratulation on every accession of strength to the Protestant succession. I therefore join in every congratulation on the birth of another princess and the happy recovery of her Majesty. But I must stop here. My courtly complaisance will carry me no further. I will not join in congratulation on misfortune and disgrace. I cannot concur in a blind and servile address, which approves and endeavors to sanctify the monstrous measures which have heaped disgrace and misfortune upon us. This, my lords, is a perilous and tremendous moment! It is not a time for adulation. The smoothness of flattery cannot now avail; cannot save us in this rugged and awful crisis. It is now necessary to instruct the throne in the language of truth. We must dispel the delusion and the darkness which envelop it; and display, in its full danger and true colors, the ruin that is brought to our doors.

This, my lords, is our duty. It is the proper function of this noble assemblage, sitting, as we do, upon our honors

in this house, the hereditary council of the crown. Who is the minister—where is the minister that has dared to suggest to the throne the contrary, unconstitutional language this day delivered from it? The accustomed language from the throne has been application to Parliament for advice, and a reliance on its constitutional advice and assistance. As it is the right of Parliament to give, so it is the duty of the crown to ask it. But on this day, and in this extreme momentous exigency, no reliance is reposed on our constitutional counsels! no advice is asked from the sober and enlightened care of Parliament! but the crown, from itself and by itself, declares an unalterable determination to pursue measures—and what measures, my lords?—The measures that have produced the imminent perils that threaten us; the measures that have brought ruin to our doors.

Can the minister of the day now presume to expect a continuance of support, in this ruinous infatuation? Can Parliament be so dead to its dignity and its duty, as to be thus deluded into the loss of the one and the violation of the other?—To give an unlimited credit and support for the steady perseverance in measures not proposed for our parliamentary advice, but dictated and forced upon us—in measures, I say, my lords, which have reduced this late flourishing empire to ruin and contempt!—"But yesterday, and England might have stood against the world: now none so poor to do her reverence." I use the words of a poet; but, though it be poetry, it is no fiction. It is a shameful truth, that not only the power and strength of this country are wasting away and expiring; but her well-earned glories, her true honor, and substantial dignity are sacrificed. France, my lords, has insulted you; she



has encouraged and sustained America; and whether America be wrong or right, the dignity of this country ought to spurn at the officious insult of French interference. The ministers and ambassadors of those who are called rebels and enemies are in Paris; in Paris they transact the reciprocal interests of America and France. Can there be a more mortifying insult? Can even our ministers sustain a more humiliating disgrace? Do they dare to resent it? Do they presume even to hint a vindication of their honor and the dignity of the State by requiring the dismissal of the plenipotentiaries of America? Such is the degradation to which they have reduced the glories of England! The people whom they affect to call contemptible rebels, but whose growing power has at last obtained the name of enemies; the people with whom they have engaged this country in war, and against whom they now command our implicit support in every measure of desperate hostility: this people, despised as rebels, or acknowledged as enemies, are abetted against you, supplied with every military store, their interests consulted, and their ambassadors entertained, by your inveterate enemy! and our ministers dare not interpose with dignity or effect. Is this the honor of a great kingdom? Is this the indignant spirit of England, who, "but yesterday," gave law to the House of Bourbon? My lords, the dignity of nations demands a decisive conduct in a situation like this. Even when the greatest prince that perhaps this country ever saw filled our throne, the requisition of a Spanish general on a similar subject was attended to and complied with. For, on the spirited remonstrance of the Duke of Alva, Elizabeth found herself obliged to deny the Flemish exiles all countenance, support, or even en-

trance into her dominions; and the Count le Marque, with his few desperate followers, were expelled the kingdom. Happening to arrive at the Brille, and finding it weak in defence, they made themselves masters of the place: and this was the foundation of the United Provinces.

My lords, this ruinous and ignominious situation, where we cannot act with success, nor suffer with honor, calls upon us to remonstrate in the strongest and loudest language of truth, to rescue the ear of majesty from the delusions which surround it. The desperate state of our arms abroad is in part known: no man thinks more highly of them than I do. I love and honor the English troops. I know their virtues and their valor. I know they can achieve anything except impossibilities; and I know that the conquest of English America is an impossibility. You cannot, I venture to say it, you cannot conquer America. Your armies in the last war effected everything that could be effected; and what was it? It cost a numerous army, under the command of a most able general, now a noble lord in this house, a long and laborious campaign, to expel five thousand Frenchmen from French America. My lords, you cannot conquer America. What is your present situation there? We do not know the worst; but we know that in three campaigns we have done nothing and suffered much. Besides the sufferings, perhaps total loss, of the Northern force, the best appointed army that ever took the field, commanded by Sir William Howe, has retired from the American lines. He was obliged to relinquish his attempt, and, with great delay and danger, to adopt a new and distant plan of operations. We shall soon know, and in any event have reason to lament, what may have happened since.

As to conquest, therefore, my lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent: doubly so from this mercenary aid on which you rely. For it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!

Your own army is infected with the contagion of these illiberal allies. The spirit of plunder and of rapine is gone forth among them. I know it, and notwithstanding what the noble earl, who moved the address, has given as his opinion of our American army, I know from authentic information, and the most experienced officers, that our discipline is deeply wounded. While this is notoriously our sinking situation, America grows and flourishes; while our strength and discipline are lowered, hers are rising and improving.

But, my lords, who is the man that in addition to these disgraces and mischiefs of our army has dared to authorize and associate to our arms the tomahawk and scalping knife of the savage? To call into civilized alliance the wild and inhuman savage of the woods; to delegate to the merciless Indian the defence of disputed rights, and to wage the horrors of his barbarous war against our brethren? My lords, these enormities cry aloud for redress and punish-

ment. Unless thoroughly done away, it will be a stain on the national character. It is a violation of the constitution. I believe it is against law. It is not the least of our national misfortunes, that the strength and character of our army are thus impaired. Infected with the mercenary spirit of robbery and rapine; familiarized to the horrid scenes of savage cruelty, it can no longer boast of the noble and generous principles which dignify a soldier; no longer sympathize with the dignity of the royal banner, nor feel the pride, pomp, and circumstance of glorious war, "that make ambition virtue!" What makes ambition virtue?—the sense of honor. But is the sense of honor consistent with a spirit of plunder or the practice of murder? Can it flow from mercenary motives, or can it prompt to cruel deeds? Besides these murderers and plunderers, let me ask our ministers, What other allies have they acquired? What other powers have they associated to their cause? Have they entered into alliance with the king of the gypsies? Nothing, my lords, is too low or too ludicrous to be consistent with their counsels.

The independent views of America have been stated and asserted as the foundation of this address. My lords, no man wishes for the due dependence of America on this country more than I do. To preserve it, and not confirm that state of independence into which your measures hitherto have driven them, is the object which we ought to unite in attaining. The Americans, contending for their rights against arbitrary exactions, I love and admire. It is the struggle of free and virtuous patriots; but contending for independency and total disconnection from England, as an Englishman, I cannot wish them success. For, in a due constitutional dependency, including the

ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity both of England and America. She derived assistance and protection from us; and we reaped from her the most important advantages. She was, indeed, the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power. It is our duty, therefore, my lords, if we wish to save our country, most seriously to endeavor the recovery of these most beneficial subjects; and in this perilous crisis, perhaps the present moment may be the only one in which we can hope for success. For in their negotiations with France they have, or think they have, reason to complain: though it be notorious that they have received from that power important supplies and assistance of various kinds, yet it is certain they expected it in a more decisive and immediate degree. America is in ill humor with France on some points that have not entirely answered her expectations. Let us wisely take advantage of every possible moment of reconciliation. Besides, the natural disposition of America herself still leans toward England; to the old habits of connection and mutual interest that united both countries. This was the established sentiment of all the continent; and still, my lords, in the great and principal part, the sound part of America, this wise and affectionate disposition prevails; and there is a very considerable part of America yet sound—the middle and the southern provinces. Some parts may be factious and blind to their true interests; but if we express a wise and benevolent disposition to communicate with them those immutable rights of nature, and those constitutional liberties, to which they are equally entitled with ourselves; by a conduct so just

and humane, we shall confirm the favorable and conciliate the adverse. I say, my lords, the rights and liberties to which they are equally entitled with ourselves, but no more. I would participate to them every enjoyment and freedom which the colonizing subjects of a free State can possess, or wish to possess; and I do not see why they should not enjoy every fundamental right in their property, and every original substantial liberty, which Devonshire or Surrey, or the county I live in, or any other county in England, can claim; reserving always, as the sacred right of the mother country, the due constitutional dependency of the colonies. The inherent supremacy of the State in regulating and protecting the navigation and commerce of all her subjects is necessary for the mutual benefit and preservation of every part, to constitute and preserve the prosperous arrangement of the whole empire.

The sound parts of America, of which I have spoken, must be sensible of these great truths and of their real interests. America is not in that state of desperate and contemptible rebellion which this country has been deluded to believe. It is not a wild and lawless banditti, who, having nothing to lose, might hope to snatch something from public convulsions. Many of their leaders and great men have a great stake in this great contest. The gentleman who conducts their armies, I am told, has an estate of four or five thousand pounds a year, and when I consider these things I cannot but lament the inconsiderate violence of our penal acts, our declarations of treason and rebellion, with all the fatal effects of attainder and confiscation.

As to the disposition of foreign powers, which is asserted to be pacific and friendly, let us judge, my lords,

rather by their actions and the nature of things than by interested assertions. The uniform assistance supplied to America by France suggests a different conclusion. The most important interests of France, in aggrandizing and enriching herself with what she most wants, supplies of every naval store from America, must inspire her with different sentiments. The extraordinary preparations of the House of Bourbon, by land and by sea, from Dunkirk to the Straits, equally ready and willing to overwhelm these defenceless islands, should rouse us to a sense of their real disposition, and our own danger. Not five thousand troops in England!—hardly three thousand in Ireland! What can we oppose to the combined force of our enemies? Scarcely twenty ships of the line fully or sufficiently manned, that any admiral's reputation would permit him to take the command of. The river of Lisbon in the possession of our enemies! The seas swept by American privateers! Our channel trade torn to pieces by them! In this complicated crisis of danger, weakness at home and calamity abroad, terrified and insulted by the neighboring powers, unable to act in America, or acting only to be destroyed, where is the man with the forehead to promise or hope for success in such a situation? or, from perseverance in the measures that have driven us to it? Who has the forehead to do so? Where is that man? I should be glad to see his face.

You cannot conciliate America by your present measures. You cannot subdue her by your present, or by any measures. What, then, can you do? You cannot conquer; you cannot gain; but you can address; you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my lords, the

time demands the language of truth. We must not now apply the flattering unction of servile compliance or blind complaisance. In a just and necessary war to maintain the rights or honor of my country, I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort, nor a single shilling. I do not call for vengeance on the heads of those who have been guilty; I only recommend to them to make their retreat. Let them walk off; and let them make haste, or they may be assured that speedy and condign punishment will overtake them.

My lords, I have submitted to you, with the freedom and truth which I think my duty, my sentiments on your present awful situation. I have laid before you the ruin of your power, the disgrace of your reputation, the pollution of your discipline, the contamination of your morals, the complication of calamities, foreign and domestic, that overwhelm your sinking country. Your dearest interests, your own liberties, the constitution itself, totters to the foundation. All this disgraceful danger, this multitude of misery, is the monstrous offspring of this unnatural war. We have been deceived and deluded too long. Let us now stop short. This is the crisis—the only crisis of time and situation, to give us a possibility of escape from the fatal effects of our delusions. But if, in an obstinate and infatuated perseverance in folly, we slavishly echo the peremptory words this day presented to us, nothing can save this devoted country from complete and final ruin. We madly rush into multiplied miseries and “confusion worse confounded.”

Is it possible, can it be believed, that ministers are



yet blind to this impending destruction? I did hope that instead of this false and empty vanity, this overweening pride, engendering high conceits and presumptuous imaginations, that ministers would have humbled themselves in their errors, would have confessed and retracted them, and by an active, though a late repentance, have endeavored to redeem them. But, my lords, since they had neither sagacity to foresee, nor justice nor humanity to shun, these oppressive calamities; since not even severe experience can make them feel, nor the imminent ruin of their country awaken them from their stupefaction, the guardian care of Parliament must interpose. I shall, therefore, my lords, propose to you an amendment to the address to his Majesty, to be inserted immediately after the first two paragraphs of congratulation on the birth of a princess, to recommend an immediate cessation of hostilities and the commencement of a treaty to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries. This, my lords, is yet in our power; and let not the wisdom and justice of your lordships neglect the happy, and, perhaps, the only opportunity. By the establishment of irrevocable law, founded on mutual rights, and ascertained by treaty, these glorious enjoyments may be firmly perpetuated. And let me repeat to your lordships, that the strong bias of America, at least of the wise and sounder parts of it, naturally inclines to this happy and constitutional reconnection with you. Notwithstanding the temporary intrigues with France, we may still be assured of their ancient and confirmed partiality to us. America and France cannot be congenial. There is something decisive and confirmed in

the honest American that will not assimilate to the futility and levity of Frenchmen.

My lords, to encourage and confirm that innate inclination to this country, founded on every principle of affection, as well as consideration of interest; to restore that favorable disposition into a permanent and powerful reunion with this country; to revive the mutual strength of the empire; again to awe the House of Bourbon, instead of meanly truckling, as our present calamities compel us, to every insult of French caprice and Spanish punctilio; to re-establish our commerce; to reassert our rights and our honor; to confirm our interests, and renew our glories forever, a consummation most devoutly to be endeavored! and which, I trust, may yet arise from reconciliation with America; I have the honor of submitting to you the following amendment, which I move to be inserted after the first two paragraphs of the address:

“And that this house does most humbly advise and supplicate his Majesty, to be pleased to cause the most speedy and effectual measures to be taken, for restoring peace in America: and that no time may be lost in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of these invaluable provinces, by a removal of the unhappy causes of this ruinous civil war; and by a just and adequate security against the return of the like calamities in times to come. And this house desires to offer the most dutiful assurances to his Majesty, that it will, in due time, cheerfully co-operate with the magnanimity and tender goodness of his Majesty, for the preservation of his people, by such explicit and most solemn declarations, and provisions of fundamental and revocable

laws, as may be judged necessary for the ascertaining and fixing forever the respective rights of Great Britain and her colonies."

[Lord Suffolk, having defended the employment of the Indians in war, as "a means that *God and nature put into our hands!*" Lord Chatham resumed:]

I am astonished! shocked! to hear such principles confessed—to hear them avowed in this house, or in this country: principles equally unconstitutional, inhuman, and unchristian!

My lords, I did not intend to have encroached again upon your attention; but I cannot repress my indignation. I feel myself impelled by every duty. My lords, we are called upon as members of this house, as men, as Christian men, to protest against such notions standing near the throne, polluting the ear of majesty. "That God and nature put into our hands!" I know not what ideas that lord may entertain of God and nature; but I know that such abominable principles are equally abhorrent to religion and humanity. What! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping knife—to the cannibal savage torturing, murdering, roasting, and eating; literally, my lords, eating the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my lords, they shock every sentiment of honor; they shock me as a lover of honorable war and a detester of murderous barbarity.

These abominable principles, and this more abominable avowal of them, demand the most decisive indignation.

I call upon that right reverend bench, those holy ministers of the Gospel and pious pastors of our church; I conjure them to join in the holy work, and vindicate the religion of their God. I appeal to the wisdom and the law of this learned bench to defend and support the justice of their country. I call upon the bishops to interpose the unsullied sanctity of their lawn; upon the learned judges to interpose the purity of their ermine, to save us from this pollution. I call upon the honor of your lordships to reverence the dignity of your ancestors and to maintain your own. I call upon the spirit and humanity of my country to vindicate the national character. I invoke the genius of the constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord frowns with indignation at the disgrace of his country. In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honor, the liberties, the religion, the Protestant religion, of this country, against the arbitrary cruelties of Popery and the Inquisition, if these more than popish cruelties and inquisitorial practices are let loose among us; to turn forth into our settlements, among our ancient connections, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child! to send forth the infidel savage—against whom? against your Protestant brethren; to lay waste their country, to desolate their dwellings, and extirpate their race and name, with these horrible hell-hounds of savage war!—hell-hounds, I say, of savage war. Spain armed herself with bloodhounds to extirpate the wretched natives of America; and we improve on the inhuman example even of Spanish cruelty; we turn loose these savage hell-hounds against our brethren

and countrymen in America, of the same language, laws, liberties, and religion; endeared to us by every tie that should sanctify humanity.

My lords, this awful subject, so important to our honor, constitution, and our religion, demands the most solemn and effectual inquiry. And I again call upon your lordships, and the united powers of the State, to examine it thoroughly and decisively and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy prelates of our religion to do away these iniquities from among us. Let them perform a lustration; let them purify this house and this country from this sin.

My lords, I am old and weak, and at present unable to say more; but my feelings and indignation were too strong to have said less. I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.

# EDMUND BURKE

**E**DMUND BURKE was born at Dublin on January 12, 1729. His father was a Protestant attorney practicing in the Irish capital, but his mother was a Catholic, a member of the family of Nagle. At the age of 12, he was sent to school at Ballitore in the County of Kildare, and two years later was matriculated at Trinity College, Dublin. He left Trinity in 1748 without having acquired any academic distinction or any great stock of well-ordered knowledge. In 1750, he went to London to keep terms at the Temple. The next ten years of his life seem to have been passed in obscure industry. He is said to have been one of the numerous lovers of his countrywoman, Peg Woffington. It was hinted that he made a mysterious visit to the American colonies. He was for years accused of having gone over to the Church of Rome and of recanting afterward. As a matter of fact, there is no evidence of any of the statements to Burke's discredit. In 1756, he published "An Inquiry into the Origin of Our Ideas of the Sublime and Beautiful," a crude performance which in England had considerable vogue, but has left no permanent trace in the development of aesthetic thought. Subsequently, he brought out an abridgment of the History of England as far as the reign of John, and, about the same time, an "Account of the European Settlements in America." In 1759 he started the Annual Register, which was designed to present the chief events of each year. In 1759, he was introduced by Lord Charlemont to "Single Speech" Hamilton, and, when the latter was made Irish Secretary, Burke accompanied him to Dublin. When Hamilton retired from this post, Burke went back with him to London and obtained a pension of \$1,500 a year on the Irish Establishment. This pension, however, he kept only for a twelvemonth. In July, 1765, the Marquis of Bockingham, becoming Prime Minister, was induced to make Burke his private secretary; their relations continued to be those of close friendship and confidence until the Marquis's death in 1782. Having been returned to the House of Commons for the pocket borough of Wendover, Burke delivered his first speech in January, 1766, and thenceforth, until 1790, was recognized as one of the chief guides and inspirers of the Whig party. His speech on the Conciliation of the Colonies, and the first of his orations against Warren Hastings, both of which are here reproduced, are generally deemed the most admirable examples of his eloquence. After the outbreak of the French Revolution, Burke parted company from most of his old Whig friends, advocated a war between England and the French Revolutionary Government, showing himself a much more vehement

upholder of the *Ancien Régime* than was the younger Pitt himself. Burke died in 1797, and was buried in the little church at Beaconsfield. Had his son Richard survived him, Burke would have been made a peer under the name of Lord Beaconsfield, and an income for three lives would have been annexed to the title.

### ON CONCILIATION WITH AMERICA

I HOPE, sir, that, notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence toward human frailty. You will not think it unnatural that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor, by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are, at this very instant, nearly as free to choose a plan for our American government as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are, therefore, called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amid so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe or manly to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since in my original sentiments without the least deviation. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiment and their conduct than could be justified in a particular person upon the contracted scale of private



information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted—that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by a heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation—a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, sir, things stood at the beginning of the session. About that time, a worthy member of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside, and, lamenting the present aspect of our politics, told me things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; while we accused every measure of vigor as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected that those who, for many years, had been active in such affairs, should show that they had formed some clear and de-

cided idea of the principles of colony government, and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented, but I felt my situation, too. His application might have been made with far greater propriety to many other gentlemen. No man was, indeed, ever better disposed or worse qualified for such an undertaking than myself. Though I gave so far into his opinion that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and, for my part, I am not ambitious of ridicule—not absolutely a candidate for disgrace.

Besides, sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government, nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening toward an incurable alienation of our colonies, I confess my caution gave way. I felt this is one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller, and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is merely in the attempt an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure that if my proposition were futile or dangerous—if it were weakly conceived or improperly timed, there was nothing exterior to it of power to awe, dazzle, or delude you. You will see it just as it is, and you will treat it just as it deserves.

The PROPOSITION is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring *the former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people;

and, far from a scheme of ruling by discord, to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion, and ever will be so long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is (let me say) of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project which has been lately laid upon your table by the noble lord in the blue ribbon. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace at every instant to keep the peace among them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties, that we do

not think ourselves precluded from all ideas of free grace and bounty.

The House has gone further; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right, thus exerted, is allowed to have had something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration, and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and, where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is dis-

armed, he is wholly at the mercy of his superior, and he loses forever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two: *First, whether you ought to concede; and, secondly, what your concession ought to be.*

On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly—

The true *nature* and the peculiar *circumstances* of the object which we have before us; because, after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and clear a manner as I am able to state them.

(1) The first thing that we have to consider with regard to the nature of the object, is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, besides at least five hundred thousand others, who form no incon-

siderable part of the strength and opulence of the whole. This, sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, while the dispute continues, the exaggeration ends. While we are discussing any given magnitude, they are grown to it. While we spend our time in deliberating on the mode of governing two millions, we shall find we have two millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and, be assured, you will not be able to do it long with impunity.

But the population of this country, the great and grow-

ing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce, indeed, has been trod some days ago, and with great ability, by a distinguished person at your bar. This gentleman, after thirty-five years—it is so long since he appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than that, to the fire of imagination and extent of erudition which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence, if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative state of the export trade of England to its colonies as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world, the colonies included, in the year 1704. They are from good



vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector-general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches: the African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian, and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole, and, if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America and the					
West Indies . . . . .					£488,265
To Africa . . . . .					86,665
					<hr/>
					£569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America and the West					
Indies . . . . .					£4,791,784
To Africa . . . . .					866,398
To which, if you add the export					
trade from Scotland, which had					
in 1704 no existence . . . . .					364,000
					<hr/>
					£6,022,182

From five hundred and odd thousand it has grown to six millions. It has increased no less than twelvefold. This is the state of the colony trade, as compared with itself at these two periods, within this century; and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view; that is, as compared to the whole trade of England in 1704.

The whole export trade of Eng-	
land, including that to the colo-	
nies, in 1704 . . . . .	£6,509,000
Exported to the colonies alone, in	
1772 . . . . .	6,024,000
	<hr/>
Difference . . . . .	£485,000

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended, but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies of these two periods; and all reasoning

concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophisticated.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough "*acta parentum jam legere et quæ sit poterit cognoscere virtus.*" Suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that when, in the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation, which, by the happy issue of moderate and healing councils, was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, while he enriched the family with a new one. If, amid these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and while he was gazing with admiration on the then commercial grandeur of England,

the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him: "Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men and uncouth manners; yet shall, before you taste death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lived to see nothing to vary the prospect and cloud the setting of his day!

Excuse me, sir, if, turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why, nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, sir, to enter into these minute and particular details, because generalities, which, in all other cases are

apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive the burden of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed; but I must prescribe bounds to myself in a matter so vast and various.

(2) I pass, therefore, to the colonies in another point of view—their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has, some years ago, exceeded a million in value. Of their last harvest I am persuaded they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet, the spirit by which that enterprising employment has

been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. While we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis' Straits—while we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold—that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that while some of them draw the line, and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people—a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things—when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neg-

lest, a generous nature has been suffered to take her own way to perfection—when I reflect upon these effects—when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

I am sensible, sir, that all which I have asserted in my detail is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will, of course, have some predilection for it. Those who wield the thunder of the State may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble, instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and au-

thority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole* America. I do not choose to consume its strength alone with our own, because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility have been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated.

But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and



its commerce—I mean its temper and character. In this character of the Americans *a love of freedom* is the predominating feature, which marks and distinguishes the whole; and, as an ardent is always a jealous affection, your colonies become suspicious, restivé, and intractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth, and this from a variety of powerful causes, which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, sir, is a nation which still, I hope, respects, and formerly adored her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are, therefore, not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point which, by way of eminence, becomes the criterion of their happiness. It happened, you know, sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the several orders of the State. The question of money was not with them so immediate. But in England

it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English Constitution, to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called the House of Commons. They went much further: they attempted to prove (and they succeeded) that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must, in effect, themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, those ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and, as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them

in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in these pleasing errors by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way wornout or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most averse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government, is so much to be sought in their religious tenets as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favor and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful

and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a kind of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greater part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of *slaves*. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there

that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, among them, like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such, in our days, were the Poles, and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, sir, to add another circumstance in our colonies, which contributes no mean part toward the growth and effect of this intractable spirit—I mean their *education*. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposi-

tion very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honorable and learned friend [the attorney-general, afterward Lord Thurlow] on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores*. This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance. Here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll and months pass between the order and the execution; and the want of a

speedy explanation of a single point is enough to defeat the whole system. You have, indeed, "winged ministers" of vengeance, who carry your bolts in their pouches to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passion and furious elements, and says: "So far shalt thou go, and no farther." Who are you that should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Broosa and Smyrna. Despotism itself is obliged to truck and huckster. The sultan gets such obedience as he can. He governs with a loose rein that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, sir, from these six capital sources of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit

that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us, as guardians during a perpetual minority, than with any part of it in their own hands. But the question is not whether their spirit deserves praise or blame. What, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more intractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? While every principle of authority and resistance has been pushed upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that it has not been shaken. Until very lately, all authority in America



seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority. We never dreamed they could of themselves supply it, knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it that Lord Dunmore (the account is among the fragments on your table) tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not hencefor-

ward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to

gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are, to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration. I can think of but these three. Another has, indeed, been started—that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The *first* of these plans, to change the spirit, as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle, but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned

in both Houses by men of weight, and received, not without applause, that, in order to check this evil, it would be proper for the Crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the Crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow—a square of five hundred miles. Over this they would wander without a possibility of restraint. They would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and controllers, and of all the

slaves that adhered to them. Such would, and, in no long time, must be the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavor to keep as a lair of wild beasts that earth which God by an express charter has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could, and we have carefully attended every settlement with government.

Adhering, sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that, of course, we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as

very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subject into submission. But, remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortunes of all states when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. "*Spoliatis arma supersunt.*"

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition. Your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent; or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world, and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to

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banish their lawyers from their courts of law; or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and, perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists, yet I never could argue myself into an opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise, too, and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves, as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic?

An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempt at the same instant to publish his proclamation of liberty and to advertise the sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

"Ye gods! annihilate but space and time,  
And make two lovers happy!"

was a pious and passionate prayer, but just as reasonable as many of these serious wishes of very grave and solemn politicians.

If, then, sir, it seems almost desperate to think of any alternative course for changing the moral causes (and not quite easy to remove the natural) which produce the prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us, the *second* mode under consideration is to prosecute that spirit in its overt acts as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissen-



sions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual at the bar. I am not ripe to pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that, for wise men, this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states, under one common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority, the line may be extremely nice. Of course, disputes—often, too, very bitter disputes—and much ill blood, will arise. But, though every privilege is an exemption in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power; for to talk of the privileges of a state or of a person who has no superior, is hardly any better than

speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded against his will or his acts, that his *whole* authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, sir; but I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexations of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see

the same party at once a civil litigant against me in point of right and a culprit before me; while I sit as criminal judge on acts of his whose moral quality is to be decided on upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, sir, also a circumstance which convinces me that this mode of criminal proceeding is not, at least in the present stage of our contest, altogether expedient, which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For, though rebellion is declared, it is not proceeded against as such; nor have any steps been taken toward the apprehension or conviction of any individual offender, either on our late or our former address; but modes of *public* coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility toward an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made toward our object by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. When I see things

in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

If, then, the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open but the third and last—to comply with the American spirit as necessary, or, if you please, to submit to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concessions ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession, whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle, but it is true. I put it totally out of the question. It is less than nothing in my consideration. I do not, indeed, wonder, nor will you, sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my considera-

tion is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature; or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion; for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. The point is

"That Serbonian bog  
Betwixt Damietta and Mount Cassius old,  
Where armies whole have sunk."

I do not intend to be overwhelmed in this bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles and all those arms? Of what avail are they, when the reason of the thing tells

me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law. I am restoring tranquillity, and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is *to admit the people of our colonies into an interest in the Constitution*, and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean forever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something

further necessary, and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of Parliamentary concessions freely confess that they hope no good from taxation, but they apprehend the colonists have further views, and, if this point were conceded, they would instantly attack the Trade Laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman [Mr. Rice] of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue ribbon shall tell you that the restraints on trade are futile and useless; of no advantage to us, and of no burden to those on whom they are imposed; that the trade of America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counterguard and security of the laws of trade.

Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws; for, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow the market for the Americans; but my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations, or that these commercial regulations are the true ground of the quarrel, or that the giving way in any one instance of authority is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quar-



rel has, indeed, brought on new disputes on new questions, but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger by their misconduct, but it is converting your ill will into their delinquency.

But the colonies will go further. Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that the fewer causes of dissatisfaction are left by government the more the subject will be inclined to resist and rebel?

All these objections being, in fact, no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle (it was with all due humility and piety), I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled

according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of Parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil, and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us, at least, a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time, Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you

restored them; you altered the succession to theirs, as well as to your own crown: but you never altered their Constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, forever, by the glorious revolution. This has made Ireland the great and flourishing kingdom that it is; and, from a disgrace and a burden intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the Constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old Constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the

hands of Lords Marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the State there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—a fine body of precedents for the authority of Parliament and the use of it—I admit it fully; and pray add likewise to these precedents, that all the while Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burden; and that an Englishman travelling in that country could not go six yards from the highroad without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII., the course was entirely altered. With a preamble stating the entire and perfect rights of the Crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of Parliament.

From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the

day-star of the English Constitution had arisen in their hearts, all was harmony within and without.

Simul alba nautis  
Stella refulsit,  
Defluit saxis agitatus humor:  
Concidunt venti, fugiuntque nubes;  
Et minax (quod sic voluere) ponto  
Unda recumbit.

The very same year the county palatine of Chester received the same relief from its oppressions and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II. drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you:

"To the King our sovereign lord, in most humble wise shown unto your excellent Majesty, the inhabitants of your Grace's county palatine of Chester; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of Parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisions, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the Commonwealth of their said country. (2) And, forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of

Parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the Commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did Parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy, as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district in



which the British subjects may act as a body to be taxed without their own voice in the grant.

Now, if the doctrines of policy contained in these preambles, and the force of these examples in the acts of Parliament, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham! But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How, then, can I think it sufficient for those which are infinitely greater and infinitely more remote?

You will now, sir, perhaps imagine that I am on the point of proposing to you a scheme for representation of

the colonies in Parliament. Perhaps I might be inclined to entertain some such thought, but a great flood stops me in my course. *Opposuit natura*. I cannot remove the eternal barriers of the creation. The thing in that mode I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation; but I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened, and there are often several means to the same end. What nature has disjoined in one way wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republic of Plato, not to the Utopia of More, not to the Oceana of Harrington. It is before me. It is at my feet.

“And the dull swain  
Treads daily on it with his clouted shoon,”

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament; and, as to the practice, to return to that mode which a uniform experience has marked out to you as best, and in which you walked with security, advantage, and honor, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant* and not by

*imposition.* To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had a *dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution:

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upward of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses or others to represent them in the high court of Parliament.”

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the Constitution: it is taken nearly *verbatim* from acts of Parliament.

The second is like unto the first:

“That the said colonies and plantations have been liable to and bounded by several subsidies, payments, rates, and taxes, given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same.”

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme Legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of Parliament.

Nec meus hic sermo est sed quæ præcipit Ofellus  
Rusticus, abnormis sapiens.

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of

restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure, is safe.

There are, indeed, words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case, although Parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they considered nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoy such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George II.? Else why were the duties first reduced to one-third in 1764, and afterward

to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you, for the Ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribbon, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is:

“That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies.”

This is an assertion of a fact. I go no further on the paper; though in my private judgment, a useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us, but I abstain from opinions.

The fourth resolution is:

“That each of the said colonies hath within itself a body chosen in part or in the whole, by the freemen, freeholders, or other free inhabitance thereof, commonly called the General Assembly, or General Court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes toward the defraying all sorts of public services.”

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his Majesty"; and acts granting to the Crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British Parliament can grant to the Crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform, unbroken tenor every session.

Sir, I am surprised that this doctrine should come from some of the law servants of the Crown. I say that if the Crown could be responsible, his Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually the colonies, are in a habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys, and all solicitors-general! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact:

"That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of State. And that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament."

To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695, not to go back to their public contributions in the year 1710, I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact authenticated by parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

*“Resolved, That it is the opinion of this committee, that it is just and reasonable that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the Crown of Great Britain the Island of Cape Breton and its dependencies.”*

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the King came to us to this effect:

*“His Majesty being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his Majesty’s just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a proper reward and encouragement.”*

On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message; but with the further addition, that the money then voted was an *encouragement* to the



colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals: Vol. xxvii., 16th and 19th May, 1757; vol. xxviii., June 1, 1758—April 26 and 30, 1759—March 26 and 31, and April 28, 1760—January 9 and 20, 1761; vol. xxix., January 22 and 26, 1762—March 14 and 17, 1763.

Sir, here is the repeated acknowledgment of Parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution, therefore, does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own, and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinning in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand when the taxing system began? When Mr. Grenville began to form

his system of American revenue, he stated in this House that the colonies were then in debt two million six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burdens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*. Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What, can none of the many skilful index-makers that we are now employing find any trace of it? Well, let them and that rest together. But, are the journals, which say nothing of the revenue, as silent on the discontent? Oh, no! a child may find it. It is the melancholy burden and blot of every page.

I think, then, I am, from those journals, justified in the sixth and last resolution, which is:

“That it hath been found by experience that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said colonies.”

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the State without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now on all this accumulated matter, is—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner:

“That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, entitled An Act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoanuts of the produce of the said

colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America, and for more effectually preventing the clandestine running of goods in the said colonies and plantations; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading, or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of Massachusetts Bay, in New England; and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An Act for the better regulating the government of the province of Massachusetts Bay, in New England; and also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, An Act for the trial of treasons committed out of the King's dominions."

I wish, sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the King's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence which induced you not to ex-

tend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the Crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great and as flagrant in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it, as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the Governor to change the sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That act has calculated the probable duration of our quarrel with the colonies, and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation, and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial

of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the Crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, sir, I propose the following resolution:

“That, from the time when the General Assembly or General Court of any colony or plantation in North America shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the Chief-Justice and other judges of the Superior Court, it may be proper that the said Chief-Justice and other judges of the Superior Courts of such colony, shall hold his and their office and offices during their good behavior, and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the General Assembly, or on a complaint from the Governor, or Council, or the House of Representatives severally, of the colony in which the said Chief-Justice and other judges have exercised the said offices.”

The next resolution relates to the Courts of Admiralty. It is this:

“That it may be proper to regulate the Courts of Admiralty, or Vice Admiralty, authorized by the 15th chapter of the 4th of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same.”

These courts I do not wish to take away. They are, in themselves, proper establishments. This court is one of the capital securities of the Act of Navigation. The

extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential propositions. I have thought of two or three more, but they come rather too near detail, and to the province of executive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly encumbrances on the building than very materially detrimental to its strength and stability.

Here, sir, I should close, but that I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer that *the words are the words of Parliament, and not mine*; and that all false and inconclusive inferences drawn from them are not mine, for I heartily disclaim any such inference. I have chosen the words of an act of Parliament,

which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favorable as possible to both, when properly understood; favorable both to the rights of Parliament, and to the privilege of the dependencies of this crown? But, sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies, and which, therefore, falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure* or *de facto* bound, the preambles do not accurately distinguish; nor, indeed, was it necessary; for, whether *de jure* or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is, besides, a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support



any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away "the immediate jewel of his soul." Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But, although there are some among us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motive relative to his interest, and not on metaphys-

ical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens, some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means, nor has it even been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head, but she is not the head and the members, too. Ireland has ever had from the beginning a separate, but not an independent legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion and the communication of English liberties. I do not see that

the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord [Lord North] on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction, because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the Constitution. It is neither regular parliamentary taxation nor colony grant. "*Experimentum in corpore vili*" is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal, in the end, to our Constitution. For what is it but a scheme for taxing the colonies in the ante-chamber of the noble

lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, sir, may flatter yourself you shall sit a state auctioneer with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five-and-twenty governments according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burden, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate, either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon. It gives me pain to mention it; but you must be sensible that you will *not perform* this part of the contract. For, suppose the colonies were to lay the duties which furnished their contingent upon the importation of your manufactures? you know you would never suffer such a tax to be laid. You know, too, that you would not suffer

many other modes of taxation; so that when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the mode, nor, indeed, anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled, to say nothing of the impossibility, that colony agents should have general powers of taxing the colonies at their discretion? Consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota.

How will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clew to lead you out of it? I think, sir, it is impossible that you should not recollect that the colony bounds are so implicated in one another (you know it by your own experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered that either in the present confusion you settle a permanent contingent which will and must be trifling, and then you have no effectual revenue; or you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury Extent against the failing colony. You must make new Boston Port bills,

new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or another must consume this whole Empire. I allow, indeed, that the Empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the Empire, and the army of the Empire, is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies than for establishing a revenue. He confessed that he apprehended that his proposal would not be to *their taste*. I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But, whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other, full of perplexed and intricate mazes. This is mild; that, harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other, calculated for certain colonies only. This is immediate in its conciliatory operation; the other, remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people;

gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this Empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does—for it secures to the subject the power of REFUSAL—the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 11s. 2½d., nor any other paltry limited sum, but it gives the strong box itself, the fund, the bank, from whence only revenues can arise among a people sensible of freedom: *Posita luditur arca.*

Cannot you in England; cannot you at this time of day; cannot you—a House of Commons—trust to the principle which has raised so mighty a revenue, and accumulated a debt of near one hundred and forty millions in this



country? Is this principle to be true in England and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that in any country, a body duly constituted for any functions will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire, which all men have naturally, of supporting the honor of their own government, that sense of dignity, and that security of property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters, but Government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that Government will not be supplied; whereas, whatever is got by acts of absolute power, ill obeyed, because odious, or by contracts ill kept,

because constrained, will be narrow, feeble, uncertain, and precarious.

"Ease would retract  
Vows made in pain, as violent and void."

I, for one, protest against compounding our demands. I declare against compounding, for a poor limited sum, the immense ever-growing, eternal debt which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom or in the way of compulsory compact.

But to clear up my ideas on this subject; a revenue from America transmitted hither—do not delude yourselves—you never can receive it—no, not a shilling. We have experienced that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties *here*, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation; I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the

weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade or empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government; they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship Freedom, they will turn their faces toward you. The more they multiply, the more friends you will have. The more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain; they may have it from Prussia; but, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the

colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? .

Do you imagine, then, that it is the Land Tax which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and me-

chanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are, in truth, everything and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceeding on America with the old warning of the Church, *sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now, *quod felix faustumque sit*, lay the first stone in the temple of peace; and I move you,

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upward of free inhabitants, have not had the liberty and privilege of

electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

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## IMPEACHMENT OF WARREN HASTINGS

THURSDAY, FEBRUARY 15, 1768

**M**Y LORDS—The gentlemen who have it in command to support the impeachment against Mr. Hastings have directed me to open the cause with a general view of the grounds upon which the Commons have proceeded in their charge against him. They have directed me to accompany this with another general view of the extent, the magnitude, the nature, the tendency, and the effect of the crimes which they allege to have been by him committed. They have also directed me to give an explanation (with their aid I may be enabled to give it) of such circumstances preceding the crimes charged on Mr. Hastings, or concomitant with them, as may tend to elucidate whatever may be found obscure in the articles as they stand. To these they wished me to add a few illustrative remarks on the laws, customs, opinions, and manners of the people concerned, and who are the objects of the crimes we charge on Mr. Hastings.

The several articles, as they appear before you, will be opened by other gentlemen with more particularity, with more distinctness, and, without doubt, with infinitely more ability, when they come to apply the evidence which naturally belongs to each article of this accusation. This, my lords, is the plan which we mean to pursue on the great charge which is now to abide your judgment.

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My lords, I must look upon it as an auspicious circumstance to this cause, in which the honor of the kingdom and the fate of many nations are involved, that, from the first commencement of our parliamentary process to this, the hour of solemn trial, not the smallest difference of opinion has arisen between the two Houses.

My lords, there are persons who, looking rather upon what was to be found in our records and histories than what was to be expected from the public justice, had formed hopes consolatory to themselves and dishonorable to us. They flattered themselves that the corruptions of India would escape amid the dissensions of Parliament. They are disappointed. They will be disappointed in all the rest of their expectations, which they have formed upon everything except the merits of their cause. The Commons will not have the melancholy unsocial glory of having acted a solitary part in a noble but imperfect work. What the greatest inquest of the nation has begun, its highest tribunal will accomplish. At length justice will be done to India. It is true that your lordships will have your full share in this great achievement; but the Commons have always considered, that whatever honor is divided with you is doubled on themselves.

My lords, I must confess, that amid these encouraging prospects the Commons do not approach your bar without awe and anxiety. The magnitude of the interests which we have in charge will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your lordships' justice. For we are men, my lords; and men are so made that it is not only the greatness of danger, but the value of the adventure, which measures the degree of our concern in every

undertaking. I solemnly assure your lordships that no standard is sufficient to estimate the value which the Commons set upon the event of the cause they now bring before you. My lords, the business of this day is not the business of this man—it is not solely whether the prisoner at the bar be found innocent or guilty; but whether millions of mankind shall be made miserable or happy.

Your lordships will see in the progress of this cause, that there is not only a long-connected, systematic series of misdemeanors, but an equally connected system of maxims and principles invented to justify them. Upon both of these you must judge. According to the judgment that you shall give upon the past transactions in India, inseparably connected as they are with the principles which support them, the whole character of your future government in that distant empire is to be unalterably decided. It will take its perpetual tenor, it will receive its final impression, from the stamp of this very hour.

It is not only the interest of India, now the most considerable part of the British empire, which is concerned, but the credit and honor of the British nation itself will be decided by this decision. We are to decide by this judgment, whether the crimes of individuals are to be turned into public guilt and national ignominy, or whether this nation will convert the very offences which have thrown a transient shade upon its government, into something that will reflect a permanent lustre upon the honor, justice, and humanity of this kingdom.

My lords, there is another consideration, which augments the solicitude of the Commons equal to those other two great interests I have stated, those of our empire and our national character; something that, if possible, comes



more home to the hearts and feelings of every Englishman: I mean, the interests of our Constitution itself, which is deeply involved in the event of this cause. The future use, and the whole effect, if not the very existence, of the process of an impeachment of high crimes and misdemeanors before the peers of this kingdom, upon the charge of the Commons, will very much be decided by your judgment in this cause. This tribunal will be found (I hope it will always be found) too great for petty causes; if it should at the same time be found incompetent to one of the greatest—that is, if little offences, from their minuteness, escape you, and the greatest, from their magnitude, oppress you—it is impossible that this form of trial should not, in the end, vanish out of the Constitution. For we must not deceive ourselves; whatever does not stand with credit cannot stand long. And if the Constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually deprived of everything else that is valuable in it. For this process is the cement which binds the whole together; this is the individuating principle that makes England what England is. In this court it is, that no subject, in no part of the empire, can fail of competent and proportionable justice: here it is that we provide for that which is the substantial excellence of our Constitution; I mean, the great circulation of responsibility, by which (excepting the supreme power) no man, in no circumstance, can escape the account which he owes to the laws of his country. It is by this process that magistracy, which tries and controls all other things, is itself tried and controlled. Other constitutions are satisfied with making good subjects; this is a security for good governors. It is by this tribunal that statesmen who abuse their

power, are accused by statesmen, and tried by statesmen, not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality. It is here that those who by the abuse of power have violated the spirit of law can never hope for protection from any of its forms—it is here that those who have refused to conform themselves to its perfections, can never hope to escape through any of its defects. It ought, therefore, my lords, to become our common care to guard this your precious deposit, rare in its use, but powerful in its effect, with a religious vigilance, and never to suffer it to be either discredited or antiquated. For this great end your lordships are invested with great and plenary powers: but you do not suspend, you do not supersede, you do not annihilate, any subordinate jurisdiction; on the contrary, you are auxiliary and supplemental to them all.

Whether it is owing to the felicity of our times, less fertile in great offences than those which have gone before us, or whether it is from a sluggish apathy which has dulled and enervated the public justice, I am not called upon to determine; but, whatever may be the cause, it is now sixty-three years since any impeachment, grounded upon abuse of authority and misdemeanor in office, has come before this tribunal. The last is that of Lord Maclesfield, which happened in the year 1725. So that the oldest process known to the Constitution of this country has, upon its revival, some appearance of novelty. At this time, when all Europe is in a state of, perhaps, contagious fermentation—when antiquity has lost all its reverence and all its effect on the minds of men, at the same time that novelty is still attended with the suspicions that always will be attached to whatever is new—we have been

anxiously careful, in a business which seems to combine the objections both to what is antiquated and what is novel, so to conduct ourselves that nothing in the revival of this great parliamentary process shall afford a pretext for its future disuse.

My lords, strongly impressed as they are with these sentiments, the Commons have conducted themselves with singular care and caution. Without losing the spirit and zeal of a public prosecution, they have comported themselves with such moderation, temper, and decorum, as would not have ill become the final judgment, if with them rested the final judgment, of this great cause.

With very few intermissions, the affairs of India have constantly engaged the attention of the Commons for more than fourteen years. We may safely affirm, we have tried every mode of legislative provision, before we had recourse to anything of penal process. It was in the year 1774 we framed an act of Parliament for remedy to the then existing disorders in India, such as the then information before us enabled us to enact. Finding that the act of Parliament did not answer all the ends that were expected from it, we had, in the year 1782, recourse to a body of monitory resolutions. Neither had we the expected fruit from them. When, therefore, we found that our inquiries and our reports, our laws and our admonitions, were alike despised; that enormities increased in proportion as they were forbidden, detected, and exposed; when we found that guilt stalked with an erect and upright front, and that legal authority seemed to skulk and hide its head like outlawed guilt; when we found that some of those very persons who were appointed by Parliament to assert the authority of the laws of this kingdom, were the most forward, the most

bold, and the most active in the conspiracy for their destruction; then it was time for the justice of the nation to recollect itself. To have forborne longer would not have been patience, but collusion; it would have been participation with guilt; it would have been to make ourselves accomplices with the criminal.

We found it was impossible to evade painful duty without betraying a sacred trust. Having, therefore, resolved upon the last and only resource, a penal prosecution, it was our next business to act in a manner worthy of our long deliberation. In all points we proceeded with selection. We have chosen (we trust it will so appear to your lordships) such a crime, and such a criminal, and such a body of evidence, and such a mode of process, as would have recommended this course of justice to posterity, even if it had not been supported by an example in the practice of our forefathers.

First, to speak of the process: we are to inform your lordships that, besides that long previous deliberation of fourteen years, we examined, as a preliminary to this proceeding, every circumstance which could prove favorable to parties apparently delinquent, before we finally resolved to prosecute. There was no precedent to be found in the journals, favorable to persons in Mr. Hastings' circumstances, that was not applied to. Many measures utterly unknown to former parliamentary proceedings, and which, indeed, seemed in some degree to enfeeble them, but which were all to the advantage of those that were to be prosecuted, were adopted, for the first time, upon this occasion.—In an early stage of the proceeding, the criminal desired to be heard. He was heard; and he produced before the bar of the House that insolent and unbecoming

paper which lies upon our table. It was deliberately given in by his own hand, and signed with his own name. The Commons, however, passed by everything offensive in that paper with a magnanimity that became them. They considered nothing in it but the facts that the defendant alleged, and the principles he maintained; and after a deliberation, not short of judicial, we proceeded with confidence to your bar.

So far as to the process; which, though I mentioned last in the line and order in which I stated the objects of our selection, I thought it best to despatch first.

As to the crime which we chose, we first considered well what it was in its nature, under all the circumstances which attended it. We weighed it with all its extenuations, and with all its aggravations. On that review we are warranted to assert that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects, without being in fact great offences. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know too well the domineering necessities which frequently occur in all great affairs. They know the exigency of a pressing occasion, which in its precipitate career bears everything down before it, which does not give time to the mind to recollect its faculties, to reinforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must

be tried as men, and with a very large allowance, indeed, to human infirmity and human error. This, my lords, we knew, and we weighed before we came before you. But the crimes which we charge in these articles are not lapses, defects, errors of common human frailty, which, as we know and feel, we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor; with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, dyed in grain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the breast of man is made to abhor, and the spirit of all laws human and divine to interdict, we desire no longer to be heard upon this occasion. Let everything that can be pleaded on the ground of surprise or error, upon those grounds be pleaded with success: we give up the whole of those predicaments. We urge no crimes that were not crimes of forethought. We charge him with nothing that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes not against forms, but against those eternal laws of justice which are our rule and our birthright. His offences are not in formal, technical lan-

guage, but in reality, in substance, and effect, *high* crimes and high misdemeanors.

So far as to the crimes. As to the criminal, we have chosen him on the same principle on which we selected the crimes. We have not chosen to bring before you a poor, puny, trembling delinquent, misled, perhaps, by those who ought to have taught him better, but who have afterward oppressed him by their power, as they had first corrupted him by their example. Instances there have been many, wherein the punishment of minor offences, in inferior persons, has been made the means of screening crimes of a high order, and in men of high description. Our course is different. We have not brought before you an obscure offender, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression; no, my lords, we have brought before you the first man of India in rank, authority, and station. We have brought before you the chief of the tribe, the head of the whole body of eastern offenders; a captain-general of iniquity, under whom all the fraud, all the peculation, all the tyranny, in India, are embodied, disciplined, arrayed, and paid. This is the person, my lords, that we bring before you. We have brought before you such a person that, if you strike at him with the firm and decided arm of justice, you will not have need of a great many more examples. You strike at the whole corps if you strike at the head.

So far as to the crime: so far as to the criminal. Now, my lords, I shall say a few words relative to the evidence which we have brought to support such a charge, and which ought to be equal in weight to the charge itself.

It is chiefly evidence of record, officially signed by the criminal himself in many instances. We have brought before you his own letters, authenticated by his own hand. On these we chiefly rely. But we shall likewise bring before you living witnesses, competent to speak to the points to which they are brought.

When you consider the late enormous power of the prisoner; when you consider his criminal, indefatigable assiduity in the destruction of all recorded evidence; when you consider the influence he has over almost all living testimony; when you consider the distance of the scene of action—I believe your lordships, and I believe the world, will be astonished that so much, so clear, so solid, and so conclusive evidence of all kinds has been obtained against him. I have no doubt that in nine instances in ten the evidence is such as would satisfy the narrow precision supposed to prevail, and to a degree rightly to prevail, in all subordinate power and delegated jurisdiction. But your lordships will maintain what we assert and claim as the right of the subjects of Great Britain—that you are not bound by any rules of evidence, or any other rules whatever, except those of natural, immutable, and substantial justice.

God forbid the Commons should desire that anything should be received as proof from them, which is not by nature adapted to prove the thing in question. If they should make such a request they would aim at overturning the very principles of that justice to which they resort. They would give the nation an evil example that would rebound back on themselves, and bring destruction upon their own heads, and on those of all their posterity.

On the other hand, I have too much confidence in the



learning with which you will be advised, and the liberality and nobleness of the sentiments with which you are born, to suspect that you would, by any abuse of the forms, and a technical course of proceeding, deny justice to so great a part of the world that claims it at your hands. Your lordships always had an ample power, and almost unlimited jurisdiction; you have now a boundless object. It is not from this district, or from that parish, not from this city, or the other province, that relief is now applied for: exiled and undone princes, extensive tribes, suffering nations, infinite descriptions of men, different in language, in manners, and in rites—men, separated by every barrier of nature from you, by the providence of God are blended in one common cause, and are now become suppliants at your bar. For the honor of this nation, in vindication of this mysterious providence, let it be known that no rule formed upon municipal maxims (if any such rule exists) will prevent the course of that imperial justice which you owe to the people that call to you from all parts of a great disjointed world. For, situated as this kingdom is, an object, thank God, of envy to the rest of the nations; its conduct in that high and elevated situation will undoubtedly be scrutinized with a severity as great as its power is invidious.

It is well known that enormous wealth has poured into this country from India through a thousand channels, public and concealed; and it is no particular derogation from our honor to suppose a possibility of being corrupted by that by which other empires have been corrupted, and assemblies almost as respectable and venerable as your lordships have been directly or indirectly vitiated. Forty millions of money at least have within our memory been

brought from India into England. In this case the most sacred judicature ought to look to its reputation. Without offence we may venture to suggest that the best way to secure reputation is not by a proud defiance of public opinion, but by guiding our actions in such a manner as that public opinion may in the end be securely defied by having been previously respected and dreaded. No direct false judgment is apprehended from the tribunals of this country. But it is feared that partiality may lurk and nestle in the abuse of our forms of proceeding. It is necessary, therefore, that nothing in that proceeding should appear to mark the slightest trace, should betray the faintest odor of chicane. God forbid that when you try the most serious of all causes, that when you try the cause of Asia in the presence of Europe, there should be the least suspicion that a narrow partiality utterly destructive of justice should so guide us that a British subject in power should appear in substance to possess rights which are denied to the humble allies, to the attached dependants of this kingdom, who by their distance have a double demand upon your protection, and who by an implicit (I hope not a weak and useless) trust in you have stripped themselves of every other resource under heaven.

I do not say this from any fear, doubt, or hesitation, concerning what your lordships will finally do—none in the world; but I cannot shut my ears to the rumors which you all know to be disseminated abroad. The abusers of power may have a chance to cover themselves by those fences and intrenchments which were made to secure the liberties of the people against men of that very description. But God forbid it should be bruited from Pekin

to Paris that the laws of England are for the rich and the powerful, but to the poor, the miserable, and defenceless they afford no resource at all. God forbid it should be said no nation is equal to the English in *substantial* violence and in *formal* justice—that in this kingdom we feel ourselves competent to confer the most extravagant and inordinate powers upon public ministers, but that we are deficient, poor, helpless, lame, and impotent in the means of calling them to account for their use of them. An opinion has been insidiously circulated through this kingdom, and through foreign nations, too, that in order to cover our participation in guilt, and our common interest in the plunder of the East, we have invented a set of scholastic distinctions, abhorrent to the common-sense and unpropitious to the common necessities of mankind, by which we are to deny ourselves the knowledge of what the rest of the world knows, and what so great a part of the world both knows and feels. I do not deprecate any appearance which may give countenance to this aspersion from suspicion that any corrupt motive can influence this court; I deprecate it from knowing that hitherto we have moved within the narrow circle of municipal justice. I am afraid that, from the habits acquired by moving within a circumscribed sphere, we may be induced rather to endeavor at forcing nature into that municipal circle, than to enlarge the circle of national justice to the necessities of the empire we have obtained.

This is the only thing which does create any doubt or difficulty in the minds of sober people. But there are those who will not judge so equitably. Where two motives, neither of them perfectly justifiable, may be assigned, the worst has the chance of being preferred. If,

from any appearance of chicane in the court, justice should fail, all men will say, better there were no tribunals at all. In my humble opinion, it would be better a thousand times to give all complainers the short answer the Day of Algiers gave a British ambassador representing certain grievances suffered by the British merchants—"My friend" (as the story is related by Dr. Shawe), "do not you know that my subjects are a band of robbers, and that I am their captain?"—better it would be a thousand times, and a thousand thousand times more manly than a hypocritical process, which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind, without help and resource, to all the desolating consequences of arbitrary power. The conduct and event of this cause will put an end to such doubts, wherever they may be entertained. Your lordships will exercise the great plenary powers with which you are invested in a manner that will do honor to the protecting justice of this kingdom, that will completely avenge the great people who are subjected to it. You will not suffer your proceedings to be squared by any rules, but by their necessities, and by that law of a common nature which cements them to us and us to them. The reports to the contrary have been spread abroad with uncommon industry, but they will be speedily refuted by the humanity, simplicity, dignity, and nobleness of your lordships' justice.

Having said all that I am instructed to say concerning the process which the House of Commons has used, concerning the crimes which they have chosen, concerning the criminal upon whom they attach the crimes, and concerning the evidence which they mean to produce, I am now to proceed to open that part of the business which

falls to my share. It is rather an explanation of the circumstances than an enforcement of the crimes.

Your lordships, of course, will be apprised that this cause is not what occurs every day in the ordinary round of municipal affairs; that it has a relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English affairs. In other affairs every allusion immediately meets its point of reference; nothing can be started that does not immediately awaken to your attention something in your own laws and usages which you meet with every day in the ordinary transactions of life. But here you are caught, as it were, into another world; you are to have the way pioneered before you. As the subject is new, it must be explained; as it is intricate as well as new, that explanation can be only comparatively short: and, therefore, knowing your lordships to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope that you will not grudge a few hours to the explanation of that which has cost the Commons fourteen years' assiduous application to acquire—that your lordships will not disdain to grant a few hours to what has cost the people of India upward of thirty years of that innate, inveterate, hereditary patience to endure.

My lords, the powers which Mr. Hastings is charged with having abused, are the powers delegated to him by the East India Company. The East India Company itself acts under two very dissimilar sorts of powers, derived from two sources very remote from each other. The first source of its power is under charters which the crown of Great Britain was authorized by act of Parliament to grant;

the other is from several charters derived from the emperor of the Moguls, the person in whose dominions they were chiefly conversant: particularly that great charter by which, in the year 1766, they acquired the high stewardship of the kingdoms of Bengal, Bahar, and Orissa. Under those two bodies of charters, the East India Company and all their servants are authorized to act.

As to those of the first description, it is from the British charters that they derive the capacity by which they are considered as a public body, or at all capable of any public function. It is from thence they acquire the capacity to take from any power whatsoever any other charter, to acquire any other offices, or to hold any other possessions. This, being the root and origin of their power, renders them responsible to the party from whom all their immediate and consequential powers are derived. As they have emanated from the supreme power of this kingdom, the whole body and the whole train of their servants, the corporate body as a corporate body, individuals as individuals, are responsible to the high justice of this kingdom. In delegating great power to the East India Company this kingdom has not released its sovereignty; on the contrary, the responsibility of the company is increased by the greatness and sacredness of the powers that have been intrusted to it. Attempts have been made abroad to circulate a notion that the acts of the East India Company and their servants are not cognizable here. I hope on this occasion your lordships will show that this nation never did give a power without annexing to it a proportionable degree of responsibility.

As to their other powers, the Company derives them from the Mogul empire by various charters from that

crown, and from the great magistrates of that crown, and particularly by the Mogul charter of 1765, by which they obtained the Duanni, that is, the office of Lord High Steward of the kingdoms of Bengal, Bahar, and Orissa. By that charter they bound themselves (and bound inclusively all their servants) to perform all the duties belonging to that new office, and to be held by all the ties belonging to that new relation. If the Mogul empire had existed in its vigor, they would have been bound under that responsibility to observe the laws, rights, usages, and customs of the natives, and to pursue their benefit in all things. For this duty was inherent in the nature, institution, and purpose of the office which they received. If the power of the sovereign, from whom they derived those powers, should by any revolution in human affairs be annihilated or suspended, their duty to the people below them, which was created under the Mogul charter, is not annihilated, is not even suspended; and for their responsibility in the performance of that duty they are thrown back upon that country (thank God, not annihilated) from whence their original power and all subsequent derivative powers have flowed. When the Company acquired that high office in India, an English corporation became an integral part of the Mogul empire. When Great Britain virtually assented to that grant of office, and afterward took advantage of it, Great Britain guaranteed the performance of all its duties. Great Britain entered into a virtual act of union with that country, by which we bound ourselves as securities to preserve the people in all the rights, laws, and liberties which their natural original sovereign was bound to support, if he had been in condition to support them. By the disposition of events the

two duties, flowing from two different sources, are now united in one. The people of India therefore come, in the name of the Commons of Great Britain, but in their own right, to the bar of this House, before the supreme royal justice of this kingdom, from whence originally all the powers under which they have suffered were derived.

It may be a little necessary, when we are stating the powers the Company have derived from their charter, and which we state Mr. Hastings to have abused, to state in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of that Company is; I mean, chiefly, what it is in reference to its Indian service, the great theatre of the abuse. Your lordships will naturally conceive that it is not to inform you, but to revive circumstances in your memory, that I enter into this detail.

You will therefore recollect that the East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the Company was constituted, with extensive powers for increasing the commerce and the honor of this country; because increasing its commerce without increasing its honor and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the Company were, under that charter, merely commercial. By degrees, as the theatre of operation was distant; as its intercourse was with many great, some barbarous, and all of them armed nations—nations in which not only the sovereign but the subjects were armed; it was found necessary to enlarge their powers. The first power they obtained was



a power of naval discipline in their ships—a power which has been since dropped; the next was a power of law martial; the next was a power of civil and, to a degree, of criminal jurisdiction within their own factories, upon their own people and their own servants; the next was—and here was a stride indeed—the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which, in several states, were not wholly intrusted to the prince or head of the commonwealth himself, were given to the East India Company. That Company acquired these powers about the end of the reign of Charles II.; and they were afterward more fully as well as more legally given by Parliament after the Revolution. From this time the East India Company was no longer merely a mercantile company, formed for the extension of the British commerce; it more nearly resembled a delegation of the whole power and sovereignty of this kingdom sent into the East. From that time the Company ought to be considered as a subordinate sovereign power; that is, sovereign with regard to the objects which it touched, subordinate with regard to the power from whence its great trust was derived. Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamed of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances a political body, that acts as a commonwealth, was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed.

The constitution of the Company began in commerce and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us—universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed)—this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane—the India Company came to be what it is—a great empire, carrying on subordinately a great commerce: it became that thing which was supposed by the Roman law irreconcilable to reason and propriety—*eundem negotiatorem et dominum*: the same power became the general trader, the same power became the supreme lord.

In this exalted situation the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mercantile plan and mercantile principles. In fact the East India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house.

Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political.

This system of the Company's service, its order and discipline, is necessary to be explained to your lordships, that you may see in what manner the abuses have affected it. In the first place, all the persons who go abroad in the Company's civil service enter as clerks in the counting-house, and are called by a name to correspond to it, *writers*. In that condition they are obliged to serve five years. The second step is that of a *factor*, in which they are obliged to serve three years. The third step they take is that of a *junior merchant*, in which they are obliged to serve three years more. At that period they become *senior merchants*, which is the highest stage of advance in the Company's service; a rank by which they had pretensions, before the year 1774, to the council, to the succession of the presidency, and to whatever other honors the Company has to bestow.

The Company had, in its early times, established factories in certain places, which factories by degrees grew to the name of presidencies and council, in proportion as the power and influence of the Company increased, and as the political began first to struggle with and at length to predominate over the mercantile. In this form it continued till the year 1773; when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior department persons who had no title to that place under the ordinary usage of the service. Mr. Hastings and Mr. Barwell, whatever other titles they might have had, held solely under the act of Parliament nominating them to that authority; but

in all other respects, except where the act and other subsequent acts have not broken in upon it, the whole course of the service remains upon the ancient footing, that is, the commercial footing, as to the gradation and order of service.

Your lordships see here a regular series of gradation, which requires eleven years before any persons can arrive at the highest trusts and situations. You will therefore be astonished, when so long a probationary service was required, that effects very different from those to be expected from long probation have happened; and that in a much shorter time than those eleven years you have seen persons returning into this kingdom with affluent, with overbearing fortunes. It will be a great part of your inquiry, when we come before your lordships to substantiate evidence against Mr. Hastings, to discover how that order came to be so completely broken down and erased that scarce a trace of it for any good purpose remains. Though I will not deny that that order, or that any order in a state, may be superseded by the ruling power when great talents upon pressing exigencies are to be called forth, yet I must say the order itself was formed upon wise principles. It furnished the persons who were put in that course of probation with an opportunity (if circumstances enabled them) of acquiring experience in business of revenue, trade, and policy. It gave to those who watched them a constant inspection of their conduct through all their progress. On the expectants of office it imposed the necessity of acquiring a character in proportion to their standing, in order that all which they had gained by the good behavior of years should not be lost by the misconduct of an hour. It was a great substantial

regulation. But scarce a trace of the true spirit of it remains to be discovered in Mr. Hastings' government; for Mr. Hastings established offices, nay, whole systems of offices, and especially a system of offices in 1781, which being altogether new, none of the rules of gradation applied to them; and he filled those offices in such a manner as suited best, not the constitution nor the spirit of the service, but his own particular views and purposes. The consequence has been, that persons in the most immature stages of life have been appointed to conduct affairs which required the greatest maturity of judgment, the greatest possible temper and moderation. Effects naturally consequent have followed upon it.—I shall not trouble your lordships with any further observations on this system of gradation.

I must however remark, before I go further, that there is something in the representation of the East India Company, in their Oriental territory, different from that, perhaps, of any other nation that has ever transported any part of its power from one country to another. The East India Company, in India, is not properly a branch of the British nation, it is only a deputation of individuals. When the Tartars entered into China, when the Arabs and Tartars successively entered into Hindustan, when the Goths and Vandals penetrated into Europe, when the Normans forced their way into England, indeed in all conquests, migrations, settlements, and colonizations, the new people came as the offset of a nation. The Company in India does not exist as a national colony. In effect and substance, nobody can go thither that does not go in its service. The English in India are nothing but a semi-nary for the succession of officers. They are a nation of

placemen—they are a commonwealth without a people; they are a state made up wholly of magistrates. There is nothing to be in propriety called people, to watch, to inspect, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. The consequence of which is, that being a kingdom of magistrates, what is commonly called the *esprit du corps* is strong in it. This spirit of the body predominates equally in all its parts; by which the members must consider themselves as having a common interest, and that common interest separated both from that of the country which sent them out, and from that of the country in which they act. No control upon them exists; none, I mean, in persons who understand their language, who understood their manners, or can apply their conduct to the laws. Therefore, in a body so constituted, confederacy is easy, and has been general. Your lordships are not to expect that that should happen in such a body which never happened in any body or corporation, that is, that they should in any instance be a proper check and control upon themselves. It is not in the nature of things. The fundamental principle of the whole of the East India Company's system is monopoly in some sense or other. The same principle predominates in the service abroad and the service at home; and both systems are united into one, animated with the same spirit, that is, with the corporate spirit. The whole, taken together, is such as has not been seen in the examples of the Moors, the Portuguese, the Spaniards, the Romans; in no old, in no recent examples. The Dutch may resemble it, but they have not an empire properly so denominated. By means of this peculiar circumstance it has not

been difficult for Mr. Hastings to embody abuse, and to put himself at the head of a regular system of corruption.

Another circumstance in that service is deserving of notice. Except in the highest parts of all, the emoluments of office do not in any degree correspond with the trust, nor the nature of the office with its name. In other official systems the style, in general, is above the function; here is it the reverse. Under the name of junior merchant, senior merchant, writer, and other petty appellations of the counting-house, you have magistrates of high dignity, you have administrators of revenues truly royal—you have judges civil, and in some respects criminal, who pass judgment upon the greatest properties of a great country. The legal public emoluments that belong to them are very often so inadequate to the real dignity of the character, that it is impossible, almost absolutely impossible, for the subordinate parts of it, which though subordinate are stations of power, to exist as Englishmen who look at a fortune to be enjoyed at home as their ultimate object, and to exist in a state of perfect incorruption in that service.

In some parts of Europe it is true that the greatest situations are often attended with but little emolument; yet still they are filled. Why? Because reputation, glory, fame, the esteem, the love, the tears of joy which flow from happy sensibility, the honest applauses of a grateful country, sometimes pay the cares, anxieties, and toils which wait on great situations in the commonwealth: and in these, they pay in money what cannot be paid in fame and reputation. It is the reverse in the service of the India Company. Glory is not the lot of subordinated merit; and all the subordinate parts of the gradation are officers who, in comparison with the offices and duties in-

trusted with them, are miserably provided for; whereas the chief of each great presidency has emoluments securing him against every mode of temptation. But if this has not secured the head, we may easily judge how the members are to be coerced. Mr. Hastings at the head of the service, with high legal emoluments, has fouled his hands and sullied his government with bribes. He has substituted oppression and tyranny in the place of legal government. With all that unbounded, licentious power which he has assumed over the public revenues, instead of endeavoring to find a series of gradual, progressive, honorable, and adequate rewards for the persons who serve the public in the subordinate but powerful situations, he has left them to prey upon the people without the smallest degree of control. In default of honest emolument, there is the unbounded license of power; and (as one of the honestest and ablest servants of the Company said to me in conversation) the civil service of the Company resembled the military service of the Mahrattas—little pay, but unbounded license to plunder. I do not say that some of the salaries given in India would not sound well here; but when you consider the nature of the trusts, the dignity of the situation, whatever the name of them may be, the powers that are granted, the hopes that every man has of establishing himself at home—I repeat, it is a source of infinite grievance—of infinite abuse: of which source of corrupt power we charge Mr. Hastings with having availed himself in filling up the void of direct pay, by finding out and countenancing every kind of oblique and unjust emolument; though it must be confessed that he is far from being solely guilty of this offence.



Another circumstance which distinguishes the East India Company is the youth of the persons who are employed in the system of that service. The servants have almost universally been sent out to begin their progress and career in active occupation, and in the exercise of high authority, at that period of life which in all other places has been employed in the course of a rigid education. To put the matter in a few words, they are transferred from slippery youth to perilous independence, from perilous independence to inordinate expectations, from inordinate expectations to boundless power. Schoolboys without tutors, minors without guardians, the world is let loose upon them, with all its temptations; and they are let loose upon the world, with all the powers that despotism involves.

— It is further remarkable, these servants exercise what your lordships are now exercising, high judicial powers; and they exercise them without the smallest study of any law either general or municipal. It is made a sort of rule in the service, a rule confirmed even by the attempts that were made to correct it (I mean, confirmed by Sir Elijah Impey, when under the auspices of Mr. Hastings he undertook to be legislator for India), that the judicial character, the last in the order of legal progress, that to which all professional men look up as the crown of their labors, that ultimate hope of men grown gray in professional practice, is among the first experimental situations of a company's servant. It is expressly said in that body of regulations to which I allude, that the office and situation of a judge of the dewanny courts of adawlet is to be filled by the *junior* servants of the Company; and as the judicial emolument is not substantially equal to that of other situ-

ations, the office of a judge is to be taken, as it were *in transitu*, as a passage to other offices not of a judicial nature. As soon, therefore, as a young man has supplied the defects of his education by the advantage of some experience, he is immediately translated to a totally different office: and another young man is substituted to learn, at the expense of the property of India, to fill a situation which, when he may be qualified to fill, he is no longer to hold.

It is in a great measure the same with regard to the other situations. They are the situations of great statesmen, which, according to the practice of the world, require to fill properly, rather a large converse with men and much intercourse in life, than deep study of books; though that too has its eminent service. We know that in the habits of civilized life in cultivated society there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience which in mixed societies of business and converse, form men gradually and insensibly to great affairs. Low cunning, intrigue, and stratagem are soon acquired; but manly, durable policy, which never sacrifices the general interest to a partial or momentary advantage, is not so cheaply formed in the human understanding.

Mr. Hastings, in his defence before the House of Commons and in the defences he has made before your lordships, has lamented his own situation in this particular. It was much to be lamented, indeed. How far it

will furnish justification, extenuation, or palliation of his conduct, when we come to examine that conduct, will be seen.

These circumstances in the system have, in a great degree, vitiated and perverted what is in reality—and many things are in reality—excellent in it. They have rendered the application of all correctives and remedies to abuse at best precarious in their operation. The laws that we have made, the covenants which the Company has obliged its servants to enter into, the occasional orders that have been given at least ostensibly good, all have proved noxious to the country, instead of beneficial. To illustrate this point I beg leave to observe to your lordships that the servants of the Company are obliged to enter into that service not only with an impression of the general duty which attaches upon all servants, but are obliged to engage in a specific covenant with their masters to perform all the duties described in that covenant (which are all the duties of their relation) under heavy penalties. They are bound to a repetition of these covenants at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant. They ought, according to the rule, renew these covenants at these times by something (I speak without offence) which may be said to resemble Confirmation in the Church. They are obliged to renew their obligation in particular to receive no gifts, gratuities, or presents whatsoever.

This scheme of covenants would have been wise and proper if it had belonged to a judicious order and rational consistent scheme of discipline. The orders of the Company have forbidden their servants to take any extrane-

ous emoluments. The act of Parliament has fulminated against them. Clear positive laws and clear positive private engagements have no exception of circumstances in them, no difference *quoad majus et minus*, but every one who offends against the law is liable to the law. The consequence is this—he who has deviated but an inch from the straight line, he who has taken but one penny of unlawful emolument—and all have taken many pennies of unlawful emolument—does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He who has taken a trifle perhaps as the reward of a good action is obliged to be silent when he sees whole nations desolated around him. The great criminal at the head of the service has the laws in his hand; he is always able to prove the small offence, and crush the person who has committed it. This is one grand source of Mr. Hastings' power. After he had got the better of the parliamentary commission no complaint from any part of the service has appeared against Mr. Hastings. He is bold enough to state it as one presumption of his merit that there has been no such complaint. No such complaint, indeed, can exist. The spirit of the corps would of itself almost forbid it; to which spirit an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy. But here is a new security. Who can complain, or dares to accuse? The whole service is irregular; nobody is free from small offences; and, as I have said, the great offender can always crush the small one. If you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's

service was made out of the very filth and dregs of human corruption; but if you examine his conduct toward the corrupt body he describes, you would imagine he had lived in the speculative schemes of visionary perfection.

He was fourteen years at the head of that service; and there is not an instance, no, not one single instance, in which he endeavored to detect corruption—or that he ever in any one single instance attempted to punish it; but the whole service, with that whole mass of enormity which he attributes to it, slept, as it were, at once under his terror and his protection—under his protection if they did not dare to move against him; under terror from his power to pluck out individuals, and make a public example of them whenever he thought fit. And, therefore, that service, under his guidance and influence, was, beyond even what its own nature disposed it to, a service of confederacy, a service of connivance, a service composed of various systems of guilt, of which Mr. Hastings was the head and the protector. But this general connivance he did not think sufficient to secure to him the general support of the Indian interest. He went further. We shall prove to your lordships that when the Company were driven by shame, not by inclination, to order several prosecutions against delinquents in their service, Mr. Hastings, directly contrary to the duty of his office—directly contrary to the express and positive law of the court of directors, which law Parliament had bound upon him as his rule of action—not satisfied with his long tacit connivance, ventured before he left his government, and among his last acts, to pass a general act of pardon and indemnity, and at once ordered the whole body of the prosecutions directed by his masters, the Company, to be discharged.

Having had fourteen years' lease of connivance to bestow, and giving at the end a general release of all suits and actions, he now puts himself at the head of a vast body enriched by his bounties, connivances, and indemnities, and expects the support of those whom he had thus fully rewarded and discharged from the pursuit of the laws. You will find in the course of this business that when charges have been brought against him of any bribery, corruption, or other malversation, his course has been to answer little or nothing to that specific bribery, corruption, or malversation; his way has been to call on the court of directors to inquire of every servant who comes to Europe, and to say whether there was any one man in it that will give him an ill word. He has put himself into a situation in which he may always safely call to his character, and will always find himself utterly incapable of justifying his conduct. So far I have troubled your lordships with the system of confederacy and connivance which, under his auspices, was the vital principle of almost the whole service.

There is one member of the service which I have omitted; but whether I ought to have put it first or, as I do now, last, I must confess I am at some loss; because, though it appears to be the lowest (if any regular) part of the service, it is by far the most considerable and the most efficient; without a full consideration and explanation of which hardly any part of the conduct of Mr. Hastings, and of many others that may be in his situation, can be fully understood.

I have given your lordships an account of writers, factors, merchants, who exercise the office of judges, lord chancellors, chancellors of the exchequer, ministers of

state, and managers of great revenues. But there is another description of men of more importance than them all, a description you have often heard of, but which has not been sufficiently explained; I mean the banyan. When the Company's service was no more than mercantile, and the servants were generally unacquainted with the country, they used the intervention of certain factors among the natives, which were called banyans; we called them so because they were of the tribe or caste of the banyans or merchants, the Indians being generally distributed into trades according to their tribes. The name still continues when the functions of the banyans are totally altered. The banyan is known by other appellations. He is called dewan or steward; and, indeed, this is a term with more propriety applied to him in several of his functions. He is, by his name of office, the steward of the household of the European gentleman: he has the management of his affairs, and the ordering of his servants. He is himself a domestic servant, and generally chosen out of that class of natives who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Trained under oppression (it is the true education) they are fit to oppress others. They serve an apprenticeship of servitude to qualify them for the trade of tyranny. They know all the devices, all the little frauds, all the artifices and contrivances, the whole panoply of the defensive armor by which ingenious slavery secures itself against the violence of power. They know all the lurking holes, all the winding recesses of the unfortunate; and they hunt out distress and misery even to their last retreats. They have suffered themselves; but far from being taught by those sufferings

to abstain from rigor, they have only learned the methods of afflicting their fellow slaves. They have the best intelligence of what is done in England. The moment a Company's servant arrives in India, and his English connections are known to be powerful, some of that class of people immediately take possession of him as if he were their inheritance. They have knowledge of the country and its affairs; they have money, they have the arts of making money. The gentleman who comes from England has none of these; he enters into that world as he enters into the world at large—naked. His portion is great simplicity, great indigence, and a strong disposition to relieve himself. The banyan, once in possession, employs his tyranny, not only over the native people of his country, but often over the master himself, who has little other share in the proceedings of his servant but in giving him the ticket of his name, to mark that he is connected with and supported by a European, who is himself well connected and supported at home. This is a commission which nothing can resist. From that moment forward it is not the Englishman, it is the black banyan that is the master. The nominal master often lives from his hand. We know how young men are sent out of this country: we know how happy we are to hear soon that they are no longer a burden to their friends and parents. The banyan knows it too. He supplies the young servant with money. He has him under his power; first, from the necessity of employing such a man; and next (and this is the more important of the two), he has that dreadful power over his master which every creditor has over his debtor. Actions the most abhorrent to his nature he must see done before his face: and thousands and thou-



sands worse are done in his absence, and he dare not complain. The banyan extorts, robs, plunders, and then gives him just what proportion of the spoil he pleases. If the master should murmur, the very power that was sent over to protect the people of India from these very abuses (the best things being perverted when applied to unknown objects, and put into unsuitable situations)—the very laws of England, by making the recovery of debts more easy, infinitely increase the power of the banyan over his master. Thus the supreme court of justice, the destined corrector of all abuses, becomes a collateral security for that abominable tyranny exercised by the moneyed banyans over Europeans as well as the natives. So, that while we are here boasting of the British power in the East, we are in perhaps more than half our service nothing but the inferior miserable instruments of the tyranny which the lowest part of the natives of India exercise, to the disgrace of the British authority, and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses, totally ruined and undone the country, cheated and defrauded the revenue; the master a silent, sometimes a melancholy, spectator, until some office of high emolument has emancipated him. This has often been the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become instruments of another tyranny, and must prostitute themselves to men in power, in order to obtain some office that may enable them to escape the servitudes below, and enable them to pay their debts. And thus many have become the instruments of Mr. Hastings.

The banyans or dewans were originally among the lower

castes in the country. But now it is true that, after seeing the power and profits of these men—that there is neither power, profession, nor occupation to be had, which a reputable person can exercise, but through that channel—men of higher castes, and born to better things, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But whoever they are, or of whatever birth, they have equally prostituted their integrity, they have equally lost their character; and once entered into that course of life, there is no difference between the best castes and the worst. That system Mr. Hastings confirmed, established, increased, and made the instrument of the most austere tyranny, of the basest peculations, and the most scandalous and iniquitous extortions.

In the description I have given of banyans a distinction is to be made. Your lordships must distinguish the banyans of the British servants in subordinate situations, and the banyans who are such to persons in higher authority. In the latter case the banyan is in strict subordination, because he may always be ruined by his superior; whereas in the former it is always in his power to ruin his nominal superior. It was not through fear but voluntarily, and not for the banyan's purposes but his own, Mr. Hastings has brought forward his banyan. He seated him in the houses of the principal nobility, and invested him with farms of the revenue; he has given him enormous jobs; he has put him over the heads of a nobility which for their grandeur, antiquity, and dignity might almost be matched with your lordships. He has made him supreme ecclesiastical judge, judge even of the very castes, in the

preservation of the separate rules and separate privileges of which that people exists. He who has dominion over the caste, has an absolute power over something more than life and fortune.

Such is that first or last (I know not which to call it) order in the Company's service called a banyan. The mutseddies clerks, accountants, of Calcutta, generally fall under this description. Your lordships will see hereafter the necessity of giving you, in the opening of the case, an idea of the situation of a banyan. You will see, as no Englishman, properly speaking, acts by himself, that he must be made responsible for that person called his banyan, for the power he either uses under him, or the power he has acquired over him. The banyan escapes, in the night of his complexion and situation, the inquiry that a white man cannot stand before in this country. Through the banyans or other black natives a bad servant of the Company receives his bribes. Through them he decides falsely against the titles of litigants in the court of castes, or in the offices of public registry. Through them Mr. Hastings has exercised oppressions which, I will venture to say, in his own name, in his own character, daring as he is (and he is the most daring criminal that ever existed), he never would dare to practice. Many, if not most, of the iniquities of his interior bad administration have been perpetrated through these banyans or other native agents and confidants; and we shall show you that he is not satisfied with one of them; confiding few of his secrets to Europeans, and hardly any of his instruments, either native or European, knowing the secrets of each other. This is the system of banyanism and of concealment which Mr. Hastings, instead of eradicating out of the service, has

propagated by example and by support, and enlarged by converting even Europeans into that dark and insidious character.

I have explained or endeavored to explain to your lordships these circumstances of the true spirit, genius, and character, more than the ostensible institutions, of the Company's service. I now shall beg leave to bring before you one institution, taken from the mercantile constitution of the Company, so excellent that I will venture to say that human wisdom has never exceeded it. In this excellent institution the counting-house gave lessons to the state. The active, awakened, and enlightened principle of self-interest will provide a better system for the guard of that interest, than the cold, drowsy wisdom of those who provide for a good out of themselves ever contrived for the public. The plans sketched by private prudence for private interest, the regulations by mercantile men for their mercantile purposes, when they can be applied to the discipline and order of the state, produce a discipline and order which no state should be ashamed to copy. The Company's mercantile regulations are admirably fitted for the government of a remote, large, disjointed empire. As merchants having factors abroad in distant parts of the world, they have obliged them to a minuteness and strictness of register, and to a regularity of correspondence, which no state has ever used in the same degree with regard to its public ministers. The Company has made it a fundamental part of their constitution, that almost their whole government shall be a written government. Your lordships will observe, in the course of the proceeding, the propriety of opening fully to you this circumstance in the government of India; that is, that the Company's

government is a government of writing—a government of record. The strictest court of justice, in its proceeding, is not more, perhaps not so much, a court of record as the India Company's executive service is, or ought to be, in all its proceedings.

In the first place, they oblige their servants to keep a journal, or diary, of all their transactions, public and private: they are bound to do this by an express covenant. They oblige them, as a corrective upon that diary, to keep a letter-book, in which all their letters are to be regularly entered. And they are bound, by the same covenant, to produce all those books upon requisition, although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and most retired concerns in private life. But, as the great corrective of all, they have contrived that every proceeding in public council shall be written—no debates merely verbal. The arguments, first or last, are to be in writing and recorded. All other bodies, the Houses of Lords, Commons, Privy Council, Cabinet Councils for secret state deliberations, enter only resolves, decisions, and final resolutions of affairs; the argument, the discussion, the dissent, does very rarely, if at all, appear. But the Company has proceeded much further, and done much more wisely, because they proceeded upon mercantile principles; and they have provided, either by orders or course of office, that all shall be written—the proposition, the argument, the dissent. This is not confined to their great council; but this order ought to be observed, as I conceive, and I see considerable traces of it in practice, in every provincial council, while the provincial councils existed, and even down to the minutest rami-

fication of their service. These books, in a progression from the lowest councils to the highest presidency, are ordered to be transmitted, duplicate and triplicate, by every ship that sails to Europe. On this system an able servant of the Company, and high in their service, has recorded his opinion, and strongly expressed his sentiments. Writing to the court of directors, he says, "It ought to be remembered that the basis upon which you rose to power, and have been able to stand the shock of repeated convulsions, has been the accuracy and simplicity of mercantile method, which makes every transaction in your service, and every expenditure, a matter of record."

My lords, this method not only must produce to them, if strictly observed, a more accurate idea of the nature of their affairs, and the nature of their expenditures, but it must afford them no trivial opportunity and means of knowing the true characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds. If well employed, and but a little improved, the East India Company possessed an advantage unknown before to the chief of a remote government. In the most remote parts of the world, and in the minutest parts of a remote service, everything came before the principal, with a domestic accuracy and local familiarity. It was in the power of a director, sitting in London, to form an accurate judgment of every incident that happened upon the Ganges and the Gogra.

The use of this recorded system did not consist only in the facility of discovering what the nature of their affairs and the character and capacity of their servants were, but it furnished the means of detecting their misconduct; frequently of proving it, too, and of producing

the evidence to it judicially under their own hands. For your lordships must have observed that it is rare indeed that in a continued course of evil practices any uniform method of proceeding will serve the purposes of the delinquent. Innocence is plain, direct, and simple: guilt is a crooked, intricate, inconstant, and various thing. The iniquitous job of to-day may be covered by specious reasons; but when the job of iniquity of to-morrow succeeds, the reasons that have colored the first crime may expose the second malversation. The man of fraud falls into contradiction, prevarication, confusion. This hastens, this facilitates, conviction. Besides, time is not allowed for corrupting the records. They are flown out of their hands; they are in Europe; they are safe in the registers of the Company; perhaps they are under the eye of Parliament, before the writers of them have time to invent an excuse for a direct contrary conduct to that to which their former pretended principles applied. This is a great, a material part of the constitution of the Company. My lords, I do not think it to be much apologized for, if I repeat that this is the fundamental regulation of their service, and which, if preserved in the first instance, as it ought to be, in official practice in India, and then used as it ought to be in England, would afford such a mode of governing a great, foreign, dispersed empire, as I will venture to say few countries ever possessed even in governing the most limited and narrow jurisdiction.

It was the great business of Mr. Hastings' policy to subvert this great political edifice. His first mode of subverting it was by commanding the public ministers, paid by the Company, to deliver their correspondence upon the most critical and momentous affairs to him, in order to be

suppressed and destroyed at his pleasure. To support him in this plan of spoliation, he has made a mischievous distinction in public business, between public and private correspondence. The Company's orders and covenants made none. There are, readily I admit, thousands of occasions in which it is not proper to divulge promiscuously a private correspondence, though on public affairs, to the world; but there is no occasion in which it is not a necessary duty, on requisition, to communicate your correspondence to those who form the paramount government, on whose interests, and on whose concerns, and under whose authority, this correspondence has been carried on. The very same reasons which require secrecy with regard to others, demand the freest communication to them. But Mr. Hastings has established principles of confidence and secrecy toward himself, which have cut off all confidence between the directors and their ministers, and effectually kept them at least out of the secret of their own affairs.

Without entering into all the practices by which he has attempted to maim the Company's records, I shall state one more to your lordships; that is, his avowed appointment of spies and under-agents, who shall carry on the real state business, while there are public and ostensible agents who are not in the secret. The correspondence of those private agents he holds in his own hands, communicates as he thinks proper, but most commonly withholds. There remains nothing for the directors but the shell and husk of a dry, formal, official correspondence, which neither means anything, nor was intended to mean anything.

These are some of the methods by which he has defeated the purposes of the excellent institution of a re-



corded administration. But there are cases to be brought before this court, in which he has laid the axe at once to the root; which was, by delegating out of his own hands a great department of the powers of the Company, which he was himself bound to execute, to a board which was not bound to record their deliberations with the same strictness as he himself was bound. He appointed of his own usurped authority a board for the administration of the revenue, the members of which were expressly dispensed from recording their dissents, until they chose it; and in that office, as in a great gulf, a most important part of the Company's transactions has been buried.

Notwithstanding his unwearied pains in the work of spoliation, some precious fragments are left, which we ought infinitely to value, by which we may learn and lament the loss of what he has destroyed. If it were not for those inestimable fragments and wrecks of the recorded government, which have been saved from the destruction which Mr. Hastings intended for them all, the most shameful enormities that have ever disgraced a government or harassed a people would only be known in this country by secret whispers and unauthenticated anecdotes; the disgracers of government, the vexers and afflictors of mankind, instead of being brought before an awful public tribunal, might have been honored with the highest distinctions and rewards their country has to bestow; and sordid bribery, base peculation, iron-handed extortion, fierce, unrelenting tyranny, might themselves have been invested with those sacred robes of justice, before which this day they have cause to tremble.

Mr. Hastings, sensible of what he suffers from this register of acts and opinions, has endeavored to discredit

and ruin what remains of it. He refuses, in his defence to the House of Commons, in letters to the court of directors, in various writings and declarations, he refuses to be tried by his own recorded declarations; he refuses to be bound by his own opinions, delivered under his own hand. He knows that he and the record cannot exist together. He knows that what remains of the written constitution, which he has not destroyed, is enough to destroy him. He claims a privilege of systematic inconstancy; a privilege of prevarication; a privilege of contradiction; a privilege of not only changing his conduct, but the principles of his conduct, whenever it suits his occasions. But I hope your lordships will show the destroyers of that wise constitution, and the destroyers of those records, which are to be the securities against malversation in office, the discoverers and avengers of it, that whoever destroys the discoverer establishes the iniquity; that, therefore, your lordships will bind him to his own declarations, given on record under his own hand; that you will say to this unfaithful servant of the Company, what was said to another unfaithful person, upon a far less occasion, by a far greater authority, "Out of thy own mouth will I judge thee, thou wicked servant."

Having gone through what I have been instructed might be necessary to state to your lordships concerning the Company's constitution—I mean the real inside, and not the shell, of its constitution; having stated the abuses that existed in it; having stated how Mr. Hastings endeavored to perpetuate, and to increase, and to profit of the abuse, and how he has systematically endeavored to destroy, and has in some instances in fact destroyed, many things truly excellent in that constitution; if I have

not wasted your time in explanation of matters that you are already well acquainted with, I shall next beg leave to state to you the abuse in some particulars of the other part of the public authority, which the Company acquired over the natives of India in virtue of the royal charter of the present Mogul emperor, in the year 1766.

My lords, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, it will be expedient to consider a little who the people are, to whose prejudice he has abused these powers. I shall explain this point with as much brevity as is consistent with the distinctness with which I mean to bring the whole before your lordships; and I beg to observe to you, that this previous discourse, rather explanatory than accusatorial (if I may use the expression), is meant rather to elucidate the nature of the matter to come before you in regular charges, than as proof of the charges themselves.

I know that a good deal of latitude is allowed to advocates, when opening a cause in a private court, to indulge themselves in their narratives leading to the charges they intend to bring. They are not always called to the strictest account for such prefatory matter, because the court, when it comes to judge, sifts and distinguishes it from the points to be strictly proved, and on whose merits the cause relies.

But I wish your lordships to know, that, with the high opinion I have of your gravity (and it is impossible for a man to conceive a higher), and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry that any one substantial fact, even in this explanatory opening, or even the color of the fact, should be alleged, which, when called upon,

I should not be ready to make good to you by proof—I mean, by proof adapted to its nature; public opinion by evidence of public opinion; by record that to which record is applicable; by oral testimony things to which oral testimony alone can be produced; and last of all, that which is matter of historic proof by historic evidence. This I hope to do with the usual allowance to errors and mistakes which is the claim of human infirmity.

Then, my lords, two distinct people inhabit India. Two sorts of people inhabit the same country, as totally distinct from each other in characters, lives, opinions, prejudices, and manners, as the inhabitants of countries most remote from each other. For both of these descriptions Mr. Hastings was bound to provide equally, agreeable to the terms of the charter which the Company received from the lawful governing power of that country—a charter received at its own solicitation—a charter not forced upon us by a superior power, but given at the immediate solicitation of the principal servants belonging to the Company—a charter solemnly accepted by the Company, and by them, I am very sorry to say, little regarded, or at least little regarded by their principal servants.

My lords, the first description of people who are subjected virtually to the British Empire through those mediums which I have described to you, are the original inhabitants of Hindustan, who have in all time, and beyond all the eras which we use (I mean always the two grand eras excepted), been the aboriginal inhabitants and proprietors of that country; with manners, religion, customs, and usages appropriated to themselves, and little resembling those of the rest of mankind. This description of men is commonly called Gentoos. The system and prin-

ciple of that government is locality. Their laws, their manners, their religion, are all local.

Their legislator, whoever he was (for who he was is a matter lost in the midst of a most obscure antiquity), had it as a great leading principle of his policy to connect the people with their soil. Accordingly, by one of those anomalies which a larger acquaintance with our species daily discovers, and which perhaps an attentive reflection might explain in the nature of man, this aboriginal people of India, who are the softest in their manners of any of our race, approaching almost to feminine tenderness, who are formed constitutionally benevolent, and in many particulars made to fill a larger circle of benevolence than our morals take in, who extend their goodwill to the whole animal creation—these people are, of all nations, the most unalliable to any other part of mankind. They cannot—the highest orders of them, at least, cannot—come into contact with any other. That bond which is one of the chief instruments of society, and which, supporting the individual, connects the species, can have no existence with them—I mean the convivial bond. That race can be held to no other by that great link of life. No Hindu can mix at meals even with those on whom he depends for the meat he eats. This circumstance renders it difficult for us to enter with due sympathy into their concerns, or for them to enter into ours, even when we meet on the same ground. But there are other circumstances which render our intercourse, in our mutual relation, very full of difficulty. The sea is between us. The mass of that element which, by appearing to disconnect, unites mankind, is to them a forbidden road. It is a great gulf fixed between you and them—not so much that elementary

gulf, but that gulf which manners, opinions, and laws have radicated in the very nature of the people. None of their high castes, without great danger to his situation, religion, rank, and estimation, can ever pass the sea; and this forbids, forever, all direct communication between that country and this. That material and affecting circumstance, my lords, makes it ten times more necessary, since they cannot come to us, to keep a strict eye upon all persons who go to them. It imposes upon us a stricter duty to guard, with a firm and powerful vigilance, those whose principles of conscience weaken their principles of self-defence. If we undertake to govern the inhabitants of such a country, we must govern them upon their own principles and maxims, and not upon ours. We must not think to force them into the narrow circle of our ideas; we must extend ours to take in their system of opinions and rites, and the necessities which result from both: all change on their part is absolutely impracticable. We have more versatility of character and manners, and it is we who must conform. We know what the empire of opinion is in human nature. I had almost said that the law of opinion was human nature itself. It is, however, the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle than in all external circumstances put together. But if such is the empire of opinion even among us, it has a pure, unrestrained, complete, and despotic power among them. The variety of balanced opinions in our minds weakens the force of each; for in Europe, sometimes, the laws of religion differ from the laws of the land; sometimes, the laws of the land differ from our laws of honor; our laws

of honor are full of caprice, differing from those other laws, and sometimes differing from themselves: but there the laws of religion, the laws of the land, and the laws of honor, are all united and consolidated in one invariable system, and bind men by eternal and indissoluble bonds to the rules of what, among them, is called his *caste*.

It may be necessary just to state to your lordships what a *caste* is. The Gentoo people from the oldest time have been distributed into various orders, all of them hereditary: these family orders are called castes; these castes are the fundamental part of the constitution of the Gentoo commonwealth, both in their church and in their state.

Your lordships are born to hereditary honors in the chief of your houses. The rest mix with the people. With the Gentoos, they who are born noble can never fall into any second rank. They are divided into four orders; the Brahmins, the Chittery, the Bice, and the Soodur, with many subdivisions in each. An eternal barrier is placed between them. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriated rank, place, and situation, and their appropriated religion, too; which is essentially different in its rites and ceremonies, sometimes in its object, in each of those castes. A man who is born in the highest caste, which at once unites what would be tantamount in this country to the dignity of the peerage and the ennobled sanctity of the episcopal character, the Brahmin, who sustains these characters, if he loses his caste, does not fall into an inferior order, the Chittery, the Bice, or the Soodur, but he is thrown at once out of all ranks of society. He is precipitated from the proud-

est elevation of respect and honor to a bottomless abyss of contempt, from glory to infamy, from purity to pollution, from sanctity to profanation. No honest occupation is open to him. His children are no longer his children. Their parent loses that name. The conjugal bond is dissolved. Few survive this most terrible of all calamities. To speak to an Indian of his caste is to speak to him of his all.

But the rule of caste has, with them, given one power more to fortune than the manners of any other nation were ever known to do. For it is singular the caste may be lost, not only by certain voluntary crimes, but by certain involuntary sufferings, disgraces, and pollutions, that are utterly out of their power to prevent. Those who have patiently submitted to imprisonment—those who have not flinched from the scourge—those who have been as unmoved as marble under torture—those who have laughed at the menaces of death itself—have instantly given way when it has been attempted to subject them to any of those pollutions by which they lose caste. To this caste they are bound by all laws of all descriptions, human and divine; and inveterate usage has radicated it in them to a depth and with an adhesion with which no other known prejudice has been known to exist. Tyranny is, therefore, armed against them with a greater variety of weapons than are found in its ordinary stores.

This, among a thousand other considerations, speaks to us, in very authoritative language, with what care and circumspection we ought to handle people so delicate. In the course of this trial your lordships will see with horror the use which Mr. Hastings made, through several of his wicked and abominable instruments, chosen from the na-



tives themselves, of these superadded means of oppression. I shall prove, in the course of this trial, that he has put his own menial domestic servant—a wretch totally dependent—a wretch grossly ignorant—the common instrument of his bribery and peculation—he has enthroned him, I say, on the first seat of ecclesiastical jurisdiction, which was to decide upon the castes of all those people, including their rank, their family, their honor, and their happiness here, and, in their judgment, their salvation hereafter. Under the awe of this power, no man dared to breathe a murmur against his tyranny. Fortified in this security, he says, Who complains of me?—No, none of us dares complain of you, says the trembling Gentoo. No! your menial servant has my caste in his power. I shall not trouble your lordships with mentioning others; it was enough that Canto Baboo and Ginga Govind Sing, names to which your lordships are to be familiarized hereafter—it is enough that those persons had the caste and character of all the people of Bengal in their hands. Through them he has taken effectual security against all complaint. Your lordships will hence discern how very necessary it is become that some other personage should intervene, should take upon him their representation, and by his freedom and his power should supply the defects arising from their servitude and their impotence. The Commons of Great Britain charge themselves with this character.

My lords, these Gentoo people are the original people of Hindustan. They are still beyond comparison the most numerous. Faults this nation may have, but God forbid we should pass judgment upon people who framed their laws and institutions prior to our insect origin of yesterday. With all the faults of their nature, and er-

rors of their institutions, their institutions, which act so powerfully on their natures, have two material characteristics which entitle them to respect—first, great force and stability; and next, excellent moral and civil effects. Their stability has been proved by their holding on a uniform tenor for a duration commensurate to all the empires with which history has made us acquainted; and they still exist in a green old age, with all the reverence of antiquity, and with all the passion that people have to novelty and change. They have stood firm on their ancient base—they have cast their roots deep in their native soil; perhaps because they have never spread them anywhere else than in their native soil. Their blood, their opinions, and the soil of their country, make one consistent piece; admitting no mixture, no adulteration, no improvement: accordingly, their religion has made no converts; their dominion has made no conquests; but in proportion as their laws and opinions were concentrated within themselves, and hindered from spreading abroad, they have doubled their force at home. They have existed in spite of Mohammedan and Portuguese bigotry, in spite of Tartarian and Arabian tyranny, in spite of all the fury of successive foreign conquest, in spite of a more formidable foe—the avarice of the English dominion.

I have spoken now, my lords, of what their principles are—their laws and religious institutions, in point of force and stability: I have given instances of their force in the very circumstance in which all the institutions of mankind in other respects show their weakness. They have existed when the country has been otherwise subdued. This alone furnishes full proof that there must be some powerful influ-

ence resulting from them beyond all our little fashionable theories upon such subjects.

The second consideration in the Gentoo institutions is their beneficial effects, moral and civil. The policy, civil or religious, or, as theirs is, composed of both, that makes a people happy, and a state flourishing (putting further and higher considerations out of the way, which are not now before us), must, undoubtedly, so far as human considerations prevail, be a policy wisely conceived in any scheme of government. It is confirmed by all observation that, where the Hindu religion has been established, that country has been flourishing. We have seen some patterns remaining to this day. The very country which is to be the subject of your lordships' judicial inquiry is an instance, by an entire change of government, of the different effects resulting from the rapacity of a foreign hand, and the paternal, lenient, protecting arm of a native government, formed on the long connection of prejudice and power. I shall give you its state under the Hindu government from a book written by a very old servant of the Company, whose authority is of the greater weight as the very destruction of all this scheme of government is the great object of the author.

The author, Mr. Holwell, divides the country of Bengal into its different provinces. He supposes what they then paid to the supreme government; he supposes what the country is capable of yielding; and his project is to change entirely the application of the revenues of the country, and to secure the whole into the hands of government. In enumerating these provinces, at last he comes to the province of Burdwan.

"In truth (says this author), it would be almost cru-

elty to molest this happy people; for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindustan government. Here the property as well as the liberty of the people are inviolate. Here no robberies are heard of, either public or private. The traveller, either with or without merchandise, becomes the immediate care of the government, which allots him guards, without any expense, to conduct him from stage to stage; and these are accountable for the safety and accommodation of his person and effects. At the end of the first stage he is delivered over, with certain benevolent formalities, to the guards of the next, who, after interrogating the traveller as to the usage he had received in his journey, dismiss the first guard with a written certificate of their behavior, and a receipt for the traveller and his effects; which certificate and receipt are returnable to the commanding officer of the first stage, who registers the same, and regularly reports it to the rajah.

“In this form the traveller is passed through the country; and if he only passes, he is not suffered to be at any expense for food, accommodation, or carriage for his merchandise or baggage; but it is otherwise if he is permitted to make any residence in one place above three days, unless occasioned by sickness, or any unavoidable accident. If anything is lost in this district, for instance, a bag of money or other valuables, the person who finds it hangs it upon the next tree, and gives notice to the nearest chowkey, or place of guard, the officer of which orders immediate publication of the same by beat of tomtom, or drum.”

These, my lords, are the effects universally produced

by the Hindu polity throughout that vast region, before it was distorted and put out of frame by the barbarism of foreign conquests. Some choice reserved spots continued to flourish under it to the year 1756. Some remained till Mr. Hastings obtained the means of utterly defacing them. Such was the prospect of Benares under the happy government of Bulwant Sing. Such was the happy state of the same Benares in the happy days of Cheit Sing, until in the year 1781 Mr. Hastings introduced *his* reform into that country.

Having stated the general outline of the manners of the original people of Hindustan, having stated the general principles of their policy, which either prohibit connection, or oblige us to a connection very different from what we have hitherto used toward them, I shall leave it to your lordships' judgment whether you will suffer such fair monuments of wisdom and benevolence to be defaced by the rapacity of your governors. I hope I have not gone out of my way to bring before you any circumstance relative to the Gentoo religion and manners, further than as they relate to the spirit of our government over them; for though there never was such food for the curiosity of the human mind as is found in the manners of this people, I pass it totally over.

I wish to divide this preliminary view into six periods; and your lordships will consider that of the Hindus, which I have now mentioned, as the first era.

The second era is an era of great misfortune to that country, and to the world in general; I mean, the time of the prophet Mahomet. The enthusiasm which animated his first followers, the despotic power which religion obtained through that enthusiasm, and the advantages de-

rived from both over the enervated great empires and broken, disunited lesser governments of the world, extended the influence of that proud and domineering sect from the banks of the Ganges to the banks of the Loire.

This second period is the era of the Arabs. These people made a great and lasting impression on India. They established, very early, Mohammedan sovereigns in all parts of it; particularly in the kingdom of Bengal, which is the principal object of our present inquiry. They held that kingdom, for a long series of years, under a dynasty of thirty-three kings; having begun their conquest and founded their dominion in Bengal not very long after the time of their prophet.

These people, when they first settled in India, attempted with the ferocious arm of their prophetic sword to change the religion and manners of that country; but at length, perceiving that their cruelty wearied out itself, and never could touch the constancy of the sufferers, they permitted the native people of the country to remain in quiet, and left the Mohammedan religion to operate upon them as it could, by appealing to the ambition or avarice of the great, or by taking the lower people, who have lost their castes, into this new sect; and thus, from the refuse of the Gentoo, increasing the bounds of the Mohammedan religion. They left many of the ancient rajahs of the country possessed of an inferior sovereignty; and where the strength of the country or other circumstances would not permit this subordination, they suffered them to continue in a separate state, approaching to independence, if not wholly independent.

The Mohammedans, during the period of the Arabs, never expelled or destroyed the native Gentoo nobility,

zemindars, or landholders of the country. They all, or almost all, remained fixed in their places, properties, and dignities; and the shadows of several of them remain under our jurisdiction.

The next, which is the third era, is an era the more necessary to observe upon, because Mr. Hastings has made many applications to it in his defence before the Commons; namely, the invasion of the Tartars, or the era of Tamerlane. These Tartars did not establish themselves on the ruins of the Hindus. Their conquests were over the other Mohammedans; for Tamerlane invaded Hindustan, as he invaded other countries, in the character of the great reformer of the Mohammedan religion. He came as a sort of successor to the rights of the prophet upon a divine title. He struck at all the Mohammedan princes who reigned at that time. He considered them as apostates, or at least as degenerated from the faith, and as tyrants abusing their power. To facilitate his conquests over these, he was often obliged to come to a sort of a composition with the people of the country he invaded. Tamerlane had neither time, nor means, nor inclination, to dispossess the ancient rajahs of the country.

Your lordships will observe that I propose nothing more than to give you an idea of the principles of policy which prevailed in these several revolutions, and not a history of the furious military achievements of a barbarous invader. Historians, indeed, are generally very liberal of their information concerning everything but what we ought to be very anxious to know. They tell us that India was conquered by Tamerlane, and conquered in such a year. The year will be found to coincide somewhere, I believe, with the end of the fourteenth century. Thinking

the mere fact as of little moment, and its chronology as nothing, but thinking the policy very material, which, indeed, is to be collected only here and there, in various books written with various views, I shall beg leave to lay before you a very remarkable circumstance relative to that policy, and taken from the same book to which I formerly referred, Mr. Holwell's.

"When the Hindu rajahs, or princes of Hindustan, submitted to Tamerlane, it was on these capital stipulations—that the emperor should marry a daughter of Rajah Cheit Sing's house; that the head of this house should be in perpetuity governors of the citadel of Agra, and anoint the king at his coronation; and that the emperors should never impose the jessera (or poll tax) upon the Hindus."

Here was a conqueror, as he is called, coming in upon terms; mixing his blood with that of the native nobility of the country he conquered; and, in consequence of this mixture, placing them in succession upon the throne of the country he subdued; making one of them even hereditary constable of the capital of his kingdom, and thereby putting his posterity as a pledge into their hands. What is full as remarkable, he freed the Hindus forever from that tax which the Mohammedans have laid upon every country over which the sword of Mahomet prevailed, namely, a capitation tax upon all who do not profess the religion of the Mohammedans. But the Hindus, by express charter, were exempted from that mark of servitude, and thereby declared not to be a conquered people. The native princes, in all their transactions with the Mogul government, carried the evident marks of this free condition in a noble independency of spirit. Within their own districts the authority of many of them seemed en-



tire. We are often led into mistakes concerning the government of Hindustan, by comparing it with those governments where the prince is armed with a full, speculative, entire authority; and where the great people have, with great titles, no privileges at all; or, having privileges, have those privileges only as subjects. But in Hindustan the modes, the degrees, the circumstances of subjection, varied infinitely. In some places hardly a trace at all of subjection was to be discerned; in some the rajahs were almost assessors of the throne, as in this case of the Rajah Cheit Sing. These circumstances mark that Tamerlane, however he may be indicated by the odious names of Tartar and conqueror, was no barbarian—that the people, who submitted to him, did not submit with the abject submission of slaves to the sword of a conqueror, but admitted a great, supreme emperor, who was just, prudent, and politic, instead of the ferocious, oppressive lesser Mohammedan sovereigns, who had before forced their way by the sword into the country.

That country resembled more a republic of princes with a great chief at their head than a territory in absolute, uniform, systematic subjection from one end to the other; in which light Mr. Hastings and others of late have thought proper to consider it. According to them, if a subordinate prince like Cheit Sing was not ready to pay any exorbitant sum on instant demand, or submit to any extent of fine which should be inflicted upon him by the mere will of the person who called *robbery* a *fine*, and who took the measure of that fine without either considering the means of paying, or the degree of delinquency that justified it, their properties, liberties, and lives were instantly forfeited. The rajahs of that country were armed—they

had fortresses for their security—they had troops. In the receipt of both their own and the imperial revenue, their securities for justice were in their own hands: but the policy of the Mogul princes very rarely led them to push that people to such extremity as it is supposed that on every slight occasion we have a right to push those who are the subjects of our pretended conquest.

Mr. Holwell throws much light on this policy, which became the standing law of the empire.

“In the unfortunate wars which followed the death of Manz O'Din Sevajee, Cheit Sing (the great rajah we have just mentioned) with a select body of Rhajapoots, by a well-conducted retreat, recovered Agra; and was soon after reconciled to the king (the Mogul) and admitted to his favor; conformable to the steady policy of this government in keeping a good understanding with the principal rajahs, and more especially with the head of this house, who is ever capable of raising and fomenting a very formidable party upon any intended revolution in this despotic and precarious monarchy.”

You see that it was the monarchy that was precarious, not the rights of the subordinate chiefs. Your lordships see that, notwithstanding our ideas of Oriental despotism, under the successors of Tamerlane these principal rajahs, instead of being called wretches, and treated as such, as Mr. Hastings has thought it becoming to call and treat them, when they were in arms against their sovereign were regarded with respect, and were admitted to easy reconciliations; because in reality, in their occasional hostilities, they were not properly rebellious subjects, but princes, often asserting their natural rights and the just constitution of the country.

This view of the policy which prevailed during the dynasty of Tamerlane naturally conducts me to the next, which is the fourth era in this history—I mean the era of the Emperor Akber. He was the first of the successors of Tamerlane who obtained possession of Bengal. It is easy to show of what nature his conquest was. It was over the last Mohammedan dynasty. He, too, like his predecessor Tamerlane, conquered the prince, not the country. It is a certain mark that it was not a conquered country in the sense in which we commonly call a country conquered—that the natives, great men and landholders, continued in every part in the possession of their estates, and of the jurisdictions annexed to them. It is true that in the several wars for the succession to the Mogul empire, and in other of their internal wars, severe revenges were taken, which bore resemblance to those taken in the war of the Roses in this country, where it was the common course, in the heat of blood: “Off with his head, so much for Buckingham.”—Yet, where the country again recovered its form and settlement, it recovered the spirit of a mild government. Whatever rigor was used with regard to the Mohammedan adventurers from Persia, Turkey, and other parts, who filled the places of servile grandeur in the Mogul court, the Hindus were a favored, protected, gently treated people.

The next, which is the fifth era, is a troubled and vexatious period—the era of the independent soubahs of Bengal. Five of these soubahs, or viceroys, governed from about the year 1717, or thereabout. They grew into independence partly by the calamities and concussions of that empire, which happened during the disputes for the succession of Tamerlane; and partly, and indeed

principally, by the great shock which the empire received when Thamas Kouli Khân broke into that country, carried off its revenues, overturned the throne, and massacred not only many of the chief nobility, but almost all the inhabitants of the capital city. This rude shock, which that empire was never able to recover, enabled the viceroys to become independent: but their independence led to their ruin. Those who had usurped upon their masters, had servants who usurped upon them. Allaverdy Khân murdered his master, and opened a way into Bengal for a body of foreign invaders, the Mahrattas, who cruelly harassed the country for several years. Their retreat was at length purchased, and by a sum which is supposed to amount to £5,000,000 sterling. By this purchase he secured the exhausted remains of an exhausted kingdom, and left it to his grandson, Surajah Dowlah, in peace and poverty. On the fall of Surajah Dowlah, in 1756, commenced the last, which is the sixth—the era of the British empire.

On the fifth dynasty I have only to remark to your lordships, that at its close the Hindu chiefs were almost everywhere found in possession of the country; that though Allaverdy Khân was a cruel tyrant, though he was an untitled usurper, though he racked and tormented the people under his government, urged, however, by an apparent necessity from an invading army of one hundred thousand horse in his dominions; yet under him the rajahs still preserved their rank, their dignity, their castles, their houses, their seigniories, all the insignia of their situation, and always the right, sometimes also the means, of protecting their subordinate people, till the last and unfortunate era of 1756.

Through the whole of this sketch of history I wish to

impress but one great and important truth upon your minds; namely, that through all these revolutions in government, and changes in power, a Hindu polity, and the spirit of a Hindu government, did more or less exist in that province, with which he was concerned, until it was finally to be destroyed by Mr. Hastings.

My lords, I have gone through all the eras precedent to those of the British power in India, and am come to the first of those eras. Mr. Hastings existed in India, and was a servant of the Company, before that era, and had his education between both. He is an antediluvian with regard to the British dominion in Bengal. He was co-existent with all the acts and monuments of that revolution, and had no small share in all the abuses of that abusive period which preceded his actual government. But, as it was during that transit from eastern to western power that most of the abuses had their origin, it will not be perfectly easy for your lordships thoroughly to enter into the nature and circumstances of them, without an explanation of the principal events that happened from the year 1756, until the commencement of Mr. Hastings' government; during a good part of which time we do not often lose sight of him. If I find it agreeable to your lordships; if I find that you wish to know these annals of Indian suffering and British delinquency; if you desire that I should unfold the series of the transactions from 1756 to the period of Mr. Hastings' government in 1771—that you may know how far he promoted what was good; how far he rectified what was evil; how far he abstained from innovation in tyranny, and contented himself with the old stock of abuse—your lordships will have the goodness to consult the strength which, from late indisposition,

begins almost to fail me. And if you think the explanation is not time lost in this new world, and in this new business, I shall venture to sketch out, as briefly and with as much perspicuity as I can give them, the leading events of that obscure and perplexed period which intervened between the British settlement in 1757 and Mr. Hastings' government. If I should be so happy as to succeed in that attempt, your lordships' minds will be prepared for hearing this cause. Then your lordships will have a clear view of the origin and nature of the abuses which prevailed in that government before Mr. Hastings obtained his greatest power, and since that time; and then we shall be able to enter fully and explicitly into the nature of the cause; and I should hope that it will pave the way, and make everything easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings became active in the service, pretty near the time when he began his political career—and here, my lords, I pause, wishing your indulgence at such time as will suit your convenience for pursuing the rest of this eventful history.

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FOURTH DAY, FEBRUARY 26, 1788

**M**Y LORDS—In what I had the honor of laying before your lordships yesterday, and in what I may further trouble you with to-day, I wish to observe a distinction, which if I did not lay down so perfectly as I ought, I hope I shall now be able to mark it out with sufficient exactness and perspicuity.

First, I beg leave to observe that what I shall think necessary to state as matter of preliminary explanation, in

order to give your lordships a true idea of the scene of action—of the instruments which Mr. Hastings employed—and the effects which they produced—all this I wish to be distinguished from matter brought to criminate. Even the matter as stated by me, which may be hereafter brought to criminate, so far as it falls to my share at present, is only to be considered, in this stage of the business, as merely illustrative. Your lordships are to expect, as undoubtedly you will require, substantial matter of crimination to be laid open for that purpose, at the moment when the evidence to each charge is ready to be produced to you. Thus your lordships will easily separate historical illustration from criminal opening. For instance, if I stated yesterday to your lordships, as I did, the tyranny and cruelty of one of the usurping viceroys, whose usurpation and whose vices led the way to the destruction of his country, and the introduction of a foreign power—I do not mean to charge Mr. Hastings with any part of that guilt. What bears upon Mr. Hastings is, his having avowedly looked to such a tyrant and such a usurper as his model, and followed that pernicious example with a servile fidelity.

When I have endeavored to lay open to your lordships anything abusive, or leading to abuse, from defects or errors in the constitution of the Company's service—I did not mean to criminate Mr. Hastings on any part of those defects and errors. I state them to show that he took advantage of the imperfections of the institution to let in his abuse of the power with which he was intrusted. If, for a further instance, I have stated that in general the service of the India Company was insufficient in legal pay or emolument, and abundant in the means of illegal profit,

I do not state that defect as owing to Mr. Hastings. But I state it as a fact, to show in what manner and on what pretences he did, fraudulently, corruptly, and for the purposes of his own ambition, take advantage of that defect; and, under color of reformation, make an illegal, partial, corrupt rise of emoluments to certain favored persons, without regard to the interests of the service at large: increasing rather than lessening the means of illicit emolument, as well as loading the Company with many heavy and ruinous expenses in avowed salaries and allowances.

Having requested your lordships to keep in mind—which I trust you would do even without my taking the liberty of suggesting it to you—these necessary distinctions, I shall revert to the period at which I closed yesterday—that great and memorable period which has remotely given occasion to the trial of this day.

My lords, to obtain empire is common: to govern it well has been rare indeed. To chastise the guilt of those who have been instruments of imperial sway over other nations, by the high superintending justice of the sovereign state, has not many striking examples among any people. Hitherto we have not furnished our contingent to the records of honor. We have been confounded with the herd of conquerors. Our dominion has been a vulgar thing. But we begin to emerge; and I hope that a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power, is a glory reserved to this time, to this nation, and to this august tribunal.

The year 1756 is a memorable era in the history of the world—it introduced a new nation from the remotest verge of the western world, with new manners, new customs,



new institutions, new opinions, new laws, into the heart of Asia.

My lords, if in that part of Asia whose native regular government was then broken up; if, at the moment when it had fallen into darkness and confusion, from having become the prey and almost the sport of the ambition of its home-born grandees; if, in that gloomy season, a star had risen from the west, that would prognosticate a better generation, and would shed down the sweet influences of order, peace, science, and security to the natives of that vexed and harassed country; we should have been covered with genuine honor. It would have been a beautiful and noble spectacle to mankind.

Indeed something might have been expected of the kind, when a new dominion emanated from a learned and enlightened part of the world in the most enlightened period of its existence. Still more might it have been expected, when that dominion was found to issue from the bosom of a free country, that it would have carried with it the full benefit of the vital principle of the British liberty and constitution, though its municipal forms were not communicable, or at least the advantage of the liberty and spirit of the British constitution. Had this been the case (alas! it was not), you would have been saved the trouble of this day. It might have been expected, too, that in that enlightened state of the world, influenced by the best religion, and from an improved description of that best religion—I mean the Christian reformed religion—that we should have done honor to Europe, to letters, to laws, to religion; done honor to all the circumstances of which in this island we boast ourselves at the great and critical moment of that revolution.

My lords, it has happened otherwise. It is now left for us to repair our former errors. Resuming the history where I broke off yesterday by your indulgence to my weakness—Surajah Dowlah was the adopted grandson of Allaverdy Khân, a cruel and ferocious tyrant; the manner of whose acquisition of power I have already stated. He came too young and inexperienced to that throne of usurpation. It was a usurpation yet green in the country, and the country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit, that traditionary opinion, which a long continuance of any system of government secures to it. The only real security which Surajah Dowlah's government could possess was the security of an army. But the great aim of this prince and his predecessor was to supply the weakness of his government by the strength of his purse; he therefore amassed treasures by all ways and on all hands. But, as the Indian princes in general are as unwisely tenacious of their treasure as they are rapacious in getting it, the more money he amassed, the more he felt the effects of poverty. The consequence was, that their armies were unpaid, and being unpaid, or irregularly paid, were undisciplined, disorderly, unfaithful. In this situation, a young prince, confiding more in the appearances than examining into the reality of things, undertook (from motives which the House of Commons with all their industry to discover the circumstances have found it difficult to make out) to attack a little miserable trading fort that we had erected at Calcutta. He succeeded in that attempt, only because success in that attempt was easy. A close imprisonment of the whole settlement followed; not owing, I believe, to the direct will of the prince, but, what will always happen

when the will of the prince is but too much the law, to a gross abuse of his power by his lowest servants; by which one hundred and twenty or more of our countrymen perished miserably in a dungeon by a fate too tragical for me to be desirous to relate, and too well known to stand in need of it.

At the time that this event happened, there was at the same time a concurrence of other events, which, from this partial and momentary weakness, displayed the strength of Great Britain in Asia. For some years before, the French and English troops began, on the coast of Coromandel, to exhibit the power, force, and efficacy of European discipline. As we daily looked for a war with France, our settlements on that coast were in some degree armed. Lord Pigot, then governor of Madras—Lord Pigot, the preserver, and the victim, of the British dominion in Asia—detached such of the Company's force as could be collected and spared, and such of his Majesty's ships as were on that station, to the assistance of Calcutta. And to hasten this history to its conclusion—the daring and commanding genius of Clive—the patient and firm ability of Watson—the treachery of Meer Jaffier—and the battle of Plassey, gave us at once the patronage of a kingdom and the command of all its treasures. We negotiated with Meer Jaffier for the viceregal throne of his master. On that throne we seated him. And we obtained, on our part, immense sums of money. We obtained £1,000,000 sterling for the Company; upward of £1,000,000 for individuals: in the whole a sum of about £2,280,000 for various purposes from the prince whom we had set up. We obtained too the town of Calcutta, more completely than we had before possessed it, and the

twenty-four districts adjoining. This was the first small seminal principle of the immense territorial acquisitions we have since made in India.

Many circumstances of this acquisition I pass by. There is a sacred veil to be drawn over the beginnings of all governments. Ours, in India, had an origin like those which time has sanctified by obscurity. Time, in the origin of most governments, has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent foundations, in which otherwise the fortune, the genius, the talents, and military virtue of this nation never shone more conspicuously. But, whatever necessity might hide, or excuse, or palliate in the acquisition of power, a wise nation, when it has once made a revolution upon its own principles and for its own ends, rests there. The first step to empire is revolution, by which power is conferred; the next is good laws, good orders, good institutions, to give that power stability. I am sorry to say, that the reverse of this policy was the principle on which the gentlemen in India acted. It was such as tended to make the new government as unstable as the old. By the vast sums of money acquired by individuals upon this occasion, by the immense sudden prodigies of fortune, it was discovered that a revolution in Bengal was a mine much more easily worked, and infinitely more productive, than the mines of Potosi and Mexico. It was found, that the work was not only very lucrative, but not at all difficult. Where Clive forded a deep water upon an unknown bottom, he left a bridge for his successors, over which the lame could hobble, and the blind might grope their way. There was not at that time a

knot of clerks in a counting-house; there was not a captain of a band of ragged topasses, that looked for anything less than the deposition of soubahs and the sale of kingdoms. Accordingly, this revolution, which ought to have precluded other revolutions, unfortunately became fruitful of them; and when Lord Clive returned to Europe to enjoy his fame and fortune in his own country, there arose another description of men, who thought that a revolution might be made upon his revolution, and as lucrative to them as his was to the first projectors. Scarcely was Meer Jaffier, Lord Clive's nabob, seated on his musnud, than they immediately, or in a short time, projected another revolution—a revolution which was to unsettle all the former had settled—a revolution to make way for new disturbances and new wars, and which led to that long chain of speculation which ever since has afflicted and oppressed Bengal.

If ever there was a time when Bengal should have had respite from internal revolutions, it was this. The governor forced upon the natives was now upon the throne. All the great lords of the country, both Gentoos and Mohammedans, were uneasy, discontented, and disobedient; and some absolutely in arms, and refusing to recognize the prince we had set up. An imminent invasion of the Mahrattas, an actual invasion headed by the son of the Mogul, the revenues, on account of the late shock, very ill-collected, even where the country was in some apparent quiet, a hungry treasury at Calcutta, an empty treasury at Moorshedabad—everything demanded tranquillity, and with it order and economy. In this situation it was resolved to make a new and entirely mercenary revolution, and to set up to sale the government, secured to its pres-

ent possessor by every tie of public faith, and every sacred obligation which could bind or influence mankind. This second revolution forms that period in the Bengal history which had the most direct influence upon all the subsequent transactions. It introduces some of the persons who were most active in the succeeding scenes, and from that time to this has given its tone and character to the British affairs and government. It marks and specifies the origin and true principle of all the abuses which Mr. Hastings was afterward appointed to correct, and which the Commons charge that he continued and aggravated—namely, the venal depositions and venal exaltations of the country powers; the taking of bribes and corrupt presents from all parties in those changes; the vitiating and maiming the Company's records; the suppression of public correspondence; corrupt combinations and conspiracies; perfidy in negotiation established into principle; acts of the most atrocious wickedness justified upon purity of intention; mock trials and collusive acquittals among the parties in common guilt—and, in the end, the court of directors supporting the scandalous breach of their own orders. I shall state the particulars of this second revolution more at large.

Soon after the revolution which had seated Meer Jaffier on the vice-royal throne, the spirit of the Mogul empire began, as it were, to make one faint struggle before it finally expired. The then heir to that throne, escaping from the hands of those who had held his father prisoner, had put himself at the head of several chiefs, collected under the standard of his house, and appeared in force on the frontiers of the provinces of Bengal and Bahar, upon both which he made some impression. This alarmed the

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new powers, the Nabob Meer Jaffier and the presidency of Calcutta; and as in a common cause, and by the terms of their mutual alliance, they took the field against him. The Nabob's eldest son, and heir-apparent, commanded in chief. Major Calliaud commanded the English forces under the government of Calcutta. Mr. Holwell was in the temporary possession of the presidency. Mr. Vansittart was hourly expected to supersede him. Mr. Warren Hastings, a young gentleman about twenty-seven years of age, was resident for the Company at the durbar, or court, of Meer Jaffier, our new-created Nabob of Bengal, allied to this country by the most solemn treaties that can bind men, for which treaties he had paid and was then paying immense sums of money. Mr. Warren Hastings was the pledge in his hands for the honor of the British nation, and their fidelity to their engagements.

In this situation, Mr. Holwell, whom the terrible example of the black hole at Calcutta had not cured of ambition, thought an hour was not to be lost in accomplishing a revolution, and selling the reigning Nabob.

My lords, there was in the house of Meer Jaffier, in his court, and in his family, a man of an intriguing, crafty, subtle, and at the same time bold, daring, desperate, bloody, and ferocious character, called Cossim Ally Khan.

He was the son-in-law of Meer Jaffier; and he made no other use of this affinity than to find some means to dethrone and to murder him. This was the person in whose school of politics Mr. Hastings made his first studies, and whose conduct he quotes as his example, and for whose friends, agents, and favorites he has always shown a marked predilection. This dangerous man was not long

without finding persons who observed his talents with admiration, and who thought fit to employ him.

The council at Calcutta was divided into two departments; one, the council in general, the other, a select committee, which they had arranged for the better carrying on their political affairs. But the select committee had no power of acting wholly without the council at large, at least finally and conclusively. The select committee thought otherwise. Between these litigant parties for power I shall not determine on the merits; thinking of nothing but the use that was made of the power, to whomsoever it belonged. This secret committee, then, without communicating with the rest of the council, formed the plan for a second revolution. But the concurrence of Major Calliaud, who commanded the British troops, was essential to the purpose, as it could not be accomplished without force. Mr. Hastings' assistance was necessary, as it could not be accomplished without treachery.

These are the parties concerned in the intended revolution. Mr. Holwell, who considered himself in possession only of temporary power, was urged to precipitate the business; for if Mr. Vansittart should arrive before his plot could be finally put into execution, he would have all the leading advantages of it, and Mr. Holwell would be considered only as a secondary instrument. But while Mr. Holwell, who originally conceived this plot, urged forward the execution of it, in order that the chief share of the profits might fall to him, the major, and possibly the resident, held back, till they might receive the sanction of the permanent governor, who was hourly expected, with whom one of them was connected, and who was to carry with him the whole weight of the authority of this



kingdom. This difference produced discussions. Holwell endeavored by his correspondence to stimulate Calliaud to this enterprise, which without him could not be undertaken at all. But Major Calliaud had different views. He concurred inwardly, as he tells us himself, in all the principles of this intended revolution, in the propriety and necessity of it. He only wished delay. But he gave such powerful, solid, and satisfactory reasons, not against the delay, but the very merits of the design itself, exposing the injustice and the danger of it, and the impossibility of mending by it their condition in any respect, as must have damned it in the minds of all rational men. At least it ought to have damned it forever in his own. But you will see that Holwell persevered in his plan; and that Major Calliaud thought two things necessary: first, not wholly to destroy the scheme, which he tells us he always approved, but to postpone the execution; and, in the meantime, to delude the Nabob by the most strong, direct, and sanguine assurances of friendship and protection that it was possible to give to man.

While the projected revolution stood suspended; while Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect; while Major Calliaud, with this design of ruining the Nabob lodged in his breast, suspended in execution, and condemned in principle, kept the fairest face and the most confidential interviews with that unfortunate prince and his son—as the operations of the campaign relaxed, the army drew near to Moorshedabad, the capital—when a truly extraordinary scene happened, such I am sure the English annals before that time had furnished no example of, nor will, I trust, in future. I shall state it as one piece from beginning to end—

reserving the events which intervened; because, as I do not produce any part of this series for the gratification of historical curiosity, the contexture is necessary to demonstrate to your lordships the spirit of our Bengal politics, and the necessity of some other sort of judicial inquiries than those which that government institute for themselves. The transaction so manifestly marks the character of the whole proceeding, that I hope I shall not be blamed for suspending for a moment the narrative of the steps taken toward the revolution, that you may see the whole of this episode together; that by it you may judge of the causes which led progressively to the state in which the Company's affairs stood when Mr. Hastings was sent for the express purpose of reforming it.

The business I am going to enter into is commonly known by the name of the story of the three seals; it is to be found in the appendix, No. 10, to the first report of the state and condition of the East India Company, made in 1778. The word report, my lords, is sometimes a little equivocal; and may signify sometimes, not what is made known, but what remains in obscurity; the detail and evidence of many facts referred to in the report being usually thrown into the appendix. Many people, and I among the rest (I take shame to myself for it), may not have fully examined that appendix. I was not a member of either of the India committees of 1778. It is not, indeed, till within this year that I have been thoroughly acquainted with that memorable history of the three seals.

The history is this: in the year 1760 the allies were in the course of operations against the son of the Mogul, now the present Mogul, who, as I have already stated, had made an irruption into the kingdom of Bahar, in order to

reduce the lower provinces to his obedience. The parties opposing him were the Nabob of Bengal and the Company's troops under Major Calliaud. It was while they faced the common enemy as one body this negotiation for the destruction of the Nabob of Bengal by his faithful allies of the Company was going on with diligence. At that time the Nabob's son, Meeran, a youth in the flower of his age, bold, vigorous, active—full of the politics in which those who are versed in usurpation are never wanting—commanded the army under his father; but was, in reality, the efficient person in all things. About the fifteenth of April, 1760, as I have it from Major Calliaud's letter of that date, the Nabob came into his tent; and, with looks of the utmost embarrassment, big with some design, which swelled his bosom, something that was too large and burdensome to conceal, and yet too critical to be told, appeared to be in a state of great distraction. The major, seeing him in this condition, kindly, gently, like a fast and sure friend, employed (to use his own expression) *some of those assurances that tend to make men fully open their hearts*; and accordingly, fortified by his assurances, and willing to disburden himself of the secret that oppressed him, he opens his heart to the commanding officer of his new friends, allies, and protectors. The Nabob, thus assured, did open himself, and informed Major Calliaud that he had just received a message from the prince, or his principal minister, informing him that the prince royal, now the Mogul, had an intention (as indeed he rationally might, supposing that we were as well disposed to him as we showed ourselves afterward) to surrender himself into the hands of him, the Nabob; but at the same time wished, as a guarantee, that the commander-

in-chief of the English forces should give him security for his life and his honor, when he should in that manner surrender himself to the Nabob. I do not mean, my lords, by surrendering, that it was supposed he intended to surrender himself prisoner of war; but as a sovereign, dubious of the fidelity of those about him, would put himself into the hands of his faithful subjects, of those who claimed to derive all their power, as both we and the Nabob did, under his authority. The Nabob stated to the English general, that, without this English security, the prince would not deliver himself into his hands. Here he confessed he found a difficulty. For the giving this faith, if it were kept, would defeat his ultimate view, which was, when the prince had delivered himself into his hands, in plain terms, to murder him. This grand act could not be accomplished without the English general. In the first place, the prince, without the English security, would not deliver himself into the Nabob's hands; and afterward, without the English concurrence, he could not be murdered. These were difficulties that pressed upon the mind of the Nabob.

The English commander heard this astonishing proposition without any apparent emotion. Being a man habituated to great affairs, versed in revolutions, and with a mind fortified against extraordinary events, he heard it and answered it without showing any signs of abhorrence or detestation; at the same time with a protestation that he would indeed serve him, the Nabob, but it should be upon such terms as honor and justice could support; informing him that an assurance for the prince's safety could not be given by him until he had consulted Mr. Holwell, who was governor, and his superior. This conversation

passed in the morning. On that very morning, and while the transaction was hot, Major Calliaud writes to Mr. Holwell an account of it. In his letter he informs him that he made an inquiry, without stating from whom, but that he did inquire the probability of the Nabob's getting possession of the prince from some persons, who assured him that there was no probability of the prince's intention to deliver himself to the Nabob on any terms. Be that as it may, it is impossible not to remark that the whole transaction of the morning of the 15th of April was not very discouraging to the Nabob; not such as would induce him to consider this most detestable of all projects as a thing utterly unfeasible, and as such to abandon it. The evening came on without anything to alter his opinion. Major Calliaud that evening came to the Nabob's tent to arrange some matters relative to the approaching campaign. The business soon ended with regard to the campaign; but the proposal of the morning to Major Calliaud, as might be expected to happen, was in effect renewed. Indeed the form was a little different, but the substantial part remained the same. Your lordships will see what these alterations were.

+ In the evening scene the persons were more numerous. On the part of the Company, Major Calliaud, Mr. Lushington, Mr. Knox, and the ambassador at the Nabob's court, Mr. Warren Hastings. On the part of the Moorish government, the Nabob himself, his son Meeran, a Persian secretary, and the Nabob's head spy, an officer well known in that part of the world, and of some rank. These were the persons of the drama in the evening scene. The Nabob and his son did not wait for the prince's committing himself to their faith, which, it seems, Major Calliaud

did not think likely to happen: so that one act of treachery is saved; but another opened of as extraordinary a nature. Intent and eager on the execution, and the more certain of their design, they accepted the plan of a wicked wretch, principal servant of the then prime minister to the Mogul, or themselves suggested it to him. A person called Conery, dewan or principal steward to Camgar Khân, a great chief in the service of the shâh zadda, or prince (now the Great Mogul, the sovereign under whom the Company hold their charter), had, it seems, made a proposal to the Nabob, that if a considerable territory, then held by his master, was assured to him, and a reward of a lac of rupees, £10,000 or £12,000, secured to him, he would for that consideration deliver the prince, the eldest son of the Mogul, alive into the hands of the Nabob; or, if that could not be effected, he engaged to murder him for the same reward. But as the assassin could not rely on the Nabob and his son for his reward for this meritorious action, and thought better of English honor and fidelity in such delicate cases, he required that Major Calliaud should set his seal to the agreement. This proposition was made to an English commander; what discourse happened upon it is uncertain. Mr. Hastings is stated by some evidence to have acted as interpreter in this memorable congress. But Major Calliaud agreed to it without any difficulty. Accordingly an instrument was drawn, an indenture tripartite prepared by the Persian secretary, securing to the party the reward of this infamous, perfidious, murderous act. First, the Nabob put his own seal to the murder. The Nabob's son Meeran affixed *his* seal. A third seal, the most important of all, was yet wanting. A pause ensued: Major Calliaud's seal

was not at hand; but Mr. Lushington was sent near half a mile to bring it. It was brought, at length; and the instrument of blood and treachery was completely executed. Three seals were set to it.

This business of the three seals, by some means not quite fully explained, but (as suspected by the parties) by means of the information of Mr. Holwell, who soon after came home, was conveyed to the ears of the court of directors. The court of directors wrote out, under date of the 7th of October, 1761, within a little more than a year after this extraordinary transaction, to this effect—that, in conjunction with the Nabob, Major Caliaud had signed a paper, offering a reward of a lac of rupees, or some such sum, to several black persons for the assassination of the shâh zadda, or prince heir-apparent; which paper was offered to the then chief of Patna to sign, but which he refused, on account of the infamy of the measure. As it appeared in the same light to them, the directors, they ordered a strict inquiry into it. The India Company, who here did their duty with apparent manliness and vigor, were resolved, however, to do it with gentleness, and to proceed in a manner that could not produce any serious mischief to the parties charged; for they directed the commission of inquiry to the very clan and set of people who, from a participation in their common offences, stood in awe of one another; in effect, to the parties in the transaction. Without a prosecutor, without an impartial director of the inquiry, they left it substantially to those persons to try one another for their common acts. Here I come upon the principle which I wish most strongly to mark to your lordships; I mean collusive trials, and collusive acquittals. When this

matter came to be examined, according to the orders of the court, which was on the 4th of October, 1762, the council consisted of Peter Maguire, Warren Hastings, and Hugh Watts. Mr. Hastings had by this time accomplished the business of resident with the Nabob, and had taken the seat, to which his seniority entitled him, in council. Here a difficulty arose *in limine*. Mr. Hastings was represented to have acted as interpreter in this business; he was, therefore, himself an object of the inquisition; he was doubtful as evidence; he was disqualified as a judge. It likewise appeared that there might be some objection to others, whose evidence was wanting, but who were themselves concerned in the guilt. Mr. Lushington's evidence would be useful, but there were two circumstances rather unlucky. First, he had put the seal to the instrument of murder; and, secondly, and what was most material, he had made an affidavit at Patna, while the affair was green and recent, that he had done so, and in the same affidavit had deposed that Warren Hastings was interpreter in that transaction. Here were difficulties both on him and Mr. Hastings. The question was, how to get Mr. Hastings, the interpreter, out of his interpretation, and to put him upon the seat of judgment. It was effected, however, and the manner in which it was effected was something curious. Mr. Lushington, who by this time was got completely over, himself tells you, that in conferences with Major Calliaud, and by arguments and reasons by him delivered, he was persuaded to unsay his swearing, and to declare that he believed that the affidavit which he made at Patna, and while the transaction was recent, or nearly recent, must be a mistake; that he *believed* (what is



amazing, indeed, for any belief) that not Mr. Hastings, but he, himself, interpreted. Mr. Lushington completely loses his own memory, and he accepts an offered, a given memory, a memory supplied to him by a party in the transaction. By this operation all difficulties are removed; Mr. Hastings is at once put into the capacity of a judge. He is declared by Mr. Lushington not to have been an interpreter in the transaction. After this, Mr. Hastings is himself examined. Your lordships will look at the transaction at your leisure, and I think you will consider it as a pattern for inquiries of this kind. Mr. Hastings is examined: he does not recollect. His memory also fails on a business in which it is not easy to suppose a man could be doubtful whether he was present or not: he thinks he was not there; for that, if he had been there, and acted as interpreter, he could not have forgotten it.

I think it is pretty nearly as I state it; if I have fallen into any error or inaccuracy, it is easily rectified; for here is the state of the transaction given by the parties themselves. On this inaccurate memory of Mr. Hastings, not venturing, however, to say positively that he was not the interpreter, or that he was not present, he is discharged from being an accomplice; he is removed from the bar, and leaps upon the seat of justice. The court thus completed, Major Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back in the manner we have seen, and no one person remains but Captain Knox. Now, if Captain Knox was there and assenting, he is an accomplice, too. Captain Knox asserts, that, at the consultation about the murder, he said it was a pity to cut off so fine a young fellow in such a manner, meaning

that fine young fellow the prince, the descendant of Tam-erlane, the present reigning Mogul, from whom the Company derive their present charter. The purpose to be served by this declaration, if it had any purpose, was, that Captain Knox did not assent to the murder, and that therefore his evidence might be valid.

The defence set up by Major Calliaud was to this effect. He was apprehensive, he said, that the Nabob was alarmed at the violent designs that were formed against him by Mr. Holwell; and that therefore to quiet his mind (to quiet it by a proposition compounded of murder and treason; an odd kind of mind he had, that was to be quieted by such means!) but to quiet his mind, and to show that the English were willing to go all lengths with him, to sell body and soul to him, he did put his seal to this extraordinary agreement, he put his seal to this wonderful paper. He likewise stated that he was of opinion at the time that nothing at all sinister could happen from it, that no such murder was likely to take place, whatever might be the intention of the parties. In fact he had very luckily said, in a letter of his written a day after the setting the seal, "I think nothing will come of this matter, but it is no harm to try." This experimental treachery, and these essays of conditional murder, appeared to him good enough to make a trial of; but at the same time he was afraid nothing would come of it. In general, the whole gist of his defence comes to one point, in which he persists—that, whatever the act might be, his mind is clear—"my hands are guilty, but my heart is free." He conceived that it would be very improper, undoubtedly, to do such an act, if he suspected anything could happen from it; he,

however, let the thing out of his own hands; he put it into the hands of others; he put the commission into the hands of a murderer. The fact was not denied—it was fully before these severe judges. The extenuation was the purity of his heart, and the bad situation of the Company's affairs (the perpetual plea, which your lordships will hear of forever, and which if it will justify evil actions, they will take good care that the most nefarious of their deeds shall never want a sufficient justification). But then he calls upon his life and his character to oppose to his seal; and though he has declared that Mr. Holwell had intended ill to the Nabob, and that he approved of those measures, and only postponed them, yet he thought it necessary, he says, to quiet the fears of the Nabob; and from this motive he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the morning after he signed it: not that he did so; but if he had, I believe it would only have made the thing so many degrees worse. Your lordships will observe, that in this conference, as stated by himself, these reasons and apologies for it did not appear, nor did they appear in the letter, nor anywhere else, till next year when he came upon his trial. Then it was immediately recollected, that Mr. Holwell's designs were so wicked, they certainly must be known to the Nabob, though he never mentioned them in the conference of the morning or the evening of the 15th; yet such was now the weight and prevalence of them upon the Major's mind, that he calls upon Mr. Hastings to know whether the Nabob was not informed of these designs of Mr. Holwell against him. Mr. Hastings' memory was not quite correct upon the occasion. He does not recollect any-

thing of the matter. He certainly seems not to think that he ever mentioned it to the Nabob, or the Nabob to him; but he does recollect, he thinks, speaking something to some of the Nabob's attendants upon it, and further this deponent sayeth not. On this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nabob in perfect good humor, and removing suspicions from his mind, which suspicions he had never expressed, they came to the resolution I shall have the honor to read to you: "That the representation, given in the said defence, of the state of the affairs of the country at that time (that is, about the month of April, 1760) is true and just [that is, the bad state of the country, which we shall consider hereafter]; that, in such circumstances, the Nabob's urgent account of his own distresses, the colonel's desire of making him easy [for here is a recapitulation of the whole defence], as the first thing necessary for the good of the service, and the suddenness of the thing proposed, might deprive him for a moment of his recollection, and surprise him into a measure which, as to the measure itself, he could not approve. That such only were the motives which did or could influence Colonel Calliaud to assent to the proposal, is fully evinced by the deposition of Captain Knox and Mr. Lushington, that his (*Calliaud's*) conscience, at the time, never reproached him with a bad design."

Your lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to any one's conscience—this is the first time, I believe, it ever appeared in a judicial proceeding. It is natural to say, "my conscience acquits me of it"; but

*they* declare that "*his* conscience never reproached him with a bad design, and therefore, upon the whole, they are satisfied that his intention was good, though he erred in the measure."

I beg leave to state one thing that escaped me, that the Nabob, who was one of the parties to the design, was at the time of the inquiry a sort of prisoner or an exile at Calcutta; that his moonshee was there, or might have been had; and that his spy was likewise there: and that they, though parties to this transaction, were never called to account for it in any sense or in any degree, or to show how far it was *necessary* to quiet the Nabob's mind.

The accomplices, by acquitting him upon *their* testimony to his *conscience*, did their business nobly. But the good court of directors, who were so easily satisfied, so ready to condemn at the first proposition, and so ready afterward to acquit, put the last finishing hand of a master to it. For the accomplices acquit him of evil intentions, and excuse his act. The court of directors, disapproving indeed the measure, but receiving the testimony of his conscience in justification of his conduct, and taking up the whole ground, honorably acquit him, and commend this action as an instance of heroic zeal in their service.

The great end and purpose for which I produce this to your lordships is to show you the necessity there is for other inquiries, other trials, other acquittals of parties, than those made by a collusive clan abroad, or by the directors at home, who had required the parties to inquire of themselves, and to take the testimony of the judges at second-hand, as to the conscience of the party

accused, respecting acts which neither they nor any man living can look upon but with horror.

I have troubled your lordships with the story of the three seals, as a specimen of the then state of the service, and the politics of the servants, civil and military, in the horrid abuses which then prevailed, and which render at length the most rigorous reformation necessary.

I close this episode to resume the proceedings at the second revolution. This affair of the three seals was, we have seen, to quiet the fears of the Nabob. His fears it was, indeed, necessary to quiet; for your lordships will see that the man whose fears were to be set asleep by Major Calliaud's offering him, in a scheme for murdering his sovereign, an odd sort of opiate, made up of blood and treason, was now in a fair way of being murdered himself by the machinations of him whose seal was set to his murderous security of peace, and by those his accomplices, Holwell and Hastings; at least they resolved to put him in a situation in which his murder was in a manner inevitable, as you will see in the sequel of the transaction. Now the plan proceeds. The parties continued in the camp; but there was another *remora*. To remove a Nabob, and to create a revolution, it is not easy; houses are strong, who have sons grown up with vigor and fitness for the command of armies. They are not easily overturned by removing the principal, unless the secondary is got rid of: and if this *remora* could be removed, everything was going on in a happy way in the business. This plan, which now (that is, about the month of July) began to get into great ripeness and forwardness, Mr. Holwell urged forward, Mr. Vansittart being hourly expected.

I do not know whether I am going to state a thing, though it is upon the records, which will not have too theatrical an appearance for the grave state in which we are. But here it is—the difficulty, the knot, and the solution, as recorded by the parties themselves. It was the object of this bold, desperate, designing man, Cossim Ally Khan, who aimed at everything, and who scrupled not to do anything in attaining what he aimed at, to be appointed the lieutenant of the Nabob Jaffier Ally, and thus to get possession of his office during his lifetime under that name, with a design of murdering him; for that office, according to many usages of that country, totally supersedes the authority of the first magistrate, renders him a cipher in his hand, gives the administration of his affairs and command of his troops to the lieutenant. It was a part of his plan that he was, after his appointment to the lieutenancy, to be named to the succession of the Nabob, who had several other children; but the eldest son stood in the way.

But as things hastened to a crisis, this difficulty was removed in the most extraordinary and providential unheard-of manner, by the most extraordinary event that, I believe, is recorded in history. Just in the nick of time, in the moment of projection, on the 8d of July, this prince Meeran, in the flower of his age, bold, active, enterprising, lying asleep in his tent, is suddenly, without any one's knowing it, without any alarm or menace in the heavens, that ever was heard of or mentioned, without any one whatever being hurt or even alarmed in the camp, killed with a flash of lightning. My lords, thus was the Gordian knot cut. This prince dies of a flash of lightning, and Mr. Lushington (of whom you have heard)

comes in the morning with his hair standing erect, comes frightened into the presence of Major Calliaud, and, with the utmost alarm, tells him of a circumstance that was afterward to give them so much pleasure. The alarm was immediately communicated to the major, who was seized with a fright; and fearing lest the army should mutiny upon the death of their chief, it was contrived, in a manner that I believe was most difficult to contrive, that what might have excited a general mutiny was concealed by the ability, the good conduct, and dexterity of Major Calliaud for seven days together, till he led the army out of the place of danger. Thus a judgment fell upon one of the (innocent) murderers in the scene of the three seals. This man, who was probably guilty in his conscience as well as in act, thus fell by that most lucky, providential, and most useful flash of lightning.

There were at that time, it seems, in Calcutta a wicked sceptical set of people, who somehow or other believed that *human* agency was concerned in this electric flash, which came so very opportunely, and which was a favor so thankfully acknowledged. These wicked ill-natured sceptics disseminated reports (which I am sure I do not mean to charge or prove, leaving the effect of them to you) very dishonorable, I believe, to Cossim Ally Khan in the business, and to some Englishmen who were concerned.

The difficulty of getting rid of Meeran being thus removed, Mr. Vansittart comes upon the scene. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity which prevailed at that time, or hurried and carried away with it. In a few days he sent for Major Calliaud. All his objections



vanish in an *instant*; like that flash of lightning, everything is *instant*. The Major agrees to perform his part. They send for Cossim Ally Khan and Mr. Hastings, they open a treaty and conclude it with him, leaving the management of it to two persons, Mr. Holwell and another person, whom we have heard of, an Armenian, called Coja Petruse, who afterward played his part in another illustrious scene. By this Petruse and Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a secretary of state, the revolution is accomplished. By it Cossim Ally Khan is to have the lieutenancy at present, and the succession. Everything is put into his hands, and he is to make for it large concessions, which you will hear of afterward, to the Company. Cossim Ally Khan proposed to Mr. Holwell, what would have been no bad supplement to the flash of lightning, the murder of the Nabob; but Mr. Holwell was a man of too much honor and conscience to suffer that. He instantly flew out at it, and declared the whole business should stop, unless the affair of the murder was given up. Accordingly, things were so settled. But, if he gave the Nabob over to an intending murderer, and delivered his person, treasure, and everything into his hands, Cossim Ally Khan might have had no great reason to complain of being left to the execution of his own projects in his own way. The treaty was made, and amounted to this, that the Company was to receive three great provinces; for here, as we proceed, you will have an opportunity of observing, with the progress of these plots, one thing which has constantly and uniformly pervaded the whole of these projects, and which the persons concerned in them have avowed as a principle of their actions—that they were first to take care of the

Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and under the shadow of that bribe to take all the little emoluments they could to themselves. Three great rich southern provinces, maritime, or nearly maritime, Burdwan, Midnapore, and Chittagong, were to be dissevered from the soubah and to be ceded to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed, and executed at Calcutta, between these parties with the greatest possible secrecy. The lieutenantancy and the succession were secured to Cossim Ally, and he was likewise to give somewhere about the sum of £200,000 to the gentlemen who were concerned, as a reward for serving him so effectually, and for serving their country so well. Accordingly these stipulations, actual or understood (for they were eventually carried into effect), being settled, a commission of delegation, consisting chiefly of Mr. Vansittart and Major Calliaud, was sent up to Moorshedabad; the new governor taking this opportunity of paying the usual visit of respect to the Nabob, and in a manner which a new governor coming into place would do, with the detail of which it is not necessary to trouble you. Mr. Hastings was at this time at the durbar; and having everything prepared, and the ground smoothed, they first endeavored to persuade the Nabob to deliver over the power negotiated for into the hands of their friend Cossim Ally Khan. But when the old man, frightened out of his wits, asked, "What is it he has bid for me?" and added, "I will give half as much again to save myself; pray let me know what my price is"; he entreated in vain. They were true, firm, and faithful to their word and their engagement. When he saw they were resolved

that he should be delivered into the hands of Cossim Ally Khan, he at once surrenders the whole to him. They instantly grasp it. He throws himself into a boat, and will not remain at home an hour, but hurries down to Calcutta to leave his blood at our door, if we should have a mind to take it. But the life of the Nabob was too great a stake, partly as a security for the good behavior of Cossim Ally Khan, and still more for the future use that might be made of him, to be thrown away, or left in the hands of a man who would certainly murder him, and who was very angry at being refused the murder of his father-in-law. The price of this second revolution was, according to their shares in it (I believe I have it here), somewhere about £200,000. This little effusion to private interest settled the matter, and here ended the second revolution in the country; effected indeed without bloodshed, but with infinite treachery, with infinite mischief, consequent to the dismemberment of the country, and which had nearly become fatal to our concerns there, like everything else in which Mr. Hastings had any share.

This prince, Cossim Ally Khan, the friend of Mr. Hastings, knew that those who could give could take away dominion. He had scarcely got upon the throne, procured for him by our public spirit and his own iniquities, than he began directly and instantly to fortify himself, and to bend all his politics against those who were or could be the donors of such fatal gifts. He began with the natives who were in their interest, and cruelly put to death, under the eye of Mr. Hastings and his clan, all those who, by their moneyed wealth or landed considerations, could give any effect to their dispositions in favor of those ambitious strangers. He removed from Moorshed-

abad higher up into the country, to Monghir, in order to be more out of our view. He kept his word pretty well, but not altogether faithfully, with the gentlemen; and though he had no money, for his treasury was empty, he gave obligations, which are known by the name of *Jeeps*. (The Indian vocabulary will by degrees become familiar to your lordships, as we develop the modes and customs of the country.) As soon as he had done this he began to rack and tear the provinces that were left to him, to get as much from them as should compensate him for the revenues of those great provinces he had lost; and accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this, because he is one of those persons whose governments Mr. Hastings, in a paper called his defence, delivered in to the House of Commons, has produced as precedents and examples, which he has thought fit to follow, and which he thought would justify him in the conduct he has pursued. This Cossim Ally Khan, after he had acted the tyrant on the landed interest, fell upon the moneyed interest. In that country there was a person called Juggut Seit. There were several of the family, who were bankers to such a magnitude as was never heard of in the world. Receivers of the public revenue, their correspondence extended all over Asia; and there are those who are of opinion that the house of Juggut Seit, including all its branches, was not worth less than six or seven millions sterling. This house became the prey of Cossim Ally Khan; but Mr. Holwell had predicted that it *should be delivered over to Satan to be buffeted* (his own pious expression). He predicted the misfortunes that should befall them; and we

chose a Satan to buffet them, and who did so buffet them by the murder of the principal persons of the house, and by robbing them of great sums of their wealth, that I believe such a scene of nefarious tyranny, destroying and cutting up the root of public credit in that country, was scarce ever known. In the meantime Cossim was extending his tyranny over all who were obnoxious to him; and the persons he first sought were those traitors who had been friends to the English. Several of the principal of these he murdered. There was in the province of Bahar a man named Ramarain; he had got the most positive assurances of English faith; but Mr. Macguire, a member of the council, on the receipt of 5,000 gold mohors, or something more than £8,000 sterling, delivered him up to be first imprisoned, then tortured, then robbed in consequence of the torture, and finally murdered by Cossim Ally Khan. In this way Cossim Ally Khan acted, while our government looked on. I hardly choose to mention to you the fate of a certain native in consequence of a dispute with Mr. Mott, a friend of Mr. Hastings, which is in the Company's records—records which are almost buried by their own magnitude from the knowledge of this country. In a contest with this native for his house and property, some scuffle having happened between the parties, the one attempting to seize, and the other to defend, the latter made a complaint to the Nabob, who was in an entire subjection at that time to the English; and who ordered this unfortunate man, on account of this very scuffle arising from defending his property, to be blown off from the mouth of a cannon. In short, I am not able to tell your lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr.

Hastings had set upon the throne of Bengal. But there is a circumstance in this business that comes across here, and will tend to show another grievance that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which, I fear, is not so perfectly extirpated but that some part of its roots may remain in the ground at this moment.

Commerce, which enriches every other country in the world, was bringing Bengal to total ruin. The Company, in former times, when it had no sovereignty or power in the country, had large privileges under their dustuck or permit; their goods passed without paying duties through the country. The servants of the Company made use of this dustuck for their own private trade, which, while it was used with moderation, the native government winked at in some degree; but when it got wholly into private hands, it was more like robbery than trade. These traders appeared everywhere; they sold at their own prices, and forced the people to sell to them at their own prices also. It appeared more like an army going to pillage the people, under pretence of commerce, than anything else. In vain the people claimed the protection of their own country courts.

This English army of traders, in their march, ravaged worse than a Tartarian conqueror. The trade they carried on, and which more resembled robbery than commerce, anticipated the resources of the tyrant, and threatened to leave him no materials for imposition or confiscation. Thus this miserable country was torn to pieces by the horrible rapaciousness of a double tyranny. This appeared to be so strong a case, that a deputation was sent to him at his new capital, Monghir, to form a treaty for

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the purpose of giving some relief against this cruel, cursed, and oppressive trade, which was worse even than the tyranny of the sovereign. This trade, Mr. Vansittart, the president about this time, that is, in 1768, who succeeded to Mr. Holwell, and was in close union of interests with the tyrant, Cossim Ally Khan, by a treaty known by the name of the treaty of Monghir, agreed very much to suppress and to confine within something like reasonable bounds. There never was a doubt on the face of that treaty, that it was a just, proper, fair transaction. But as nobody in Bengal did then believe that rapine was ever forborne, but in favor of bribery, the persons who lost every advantage by the treaty of Monghir, when they thought they saw corrupt negotiation carrying away the prizes of unlawful commerce, and were likely to see their trade crippled by Cossim Ally Khan, fell into a most violent fury at this treaty; and as the treaty was made without the concurrence of the rest of the council, the Company's servants grew divided, one part were the advocates of the treaty, the other of the trade. The latter were universally of opinion that the treaty was bought for a great sum of money. The evidence we have on our records of the sums of money that are stated to have been paid on this occasion has never been investigated to the bottom. But we have it on record that a great sum (£70,000) was paid to persons concerned in that negotiation. The rest were exceedingly wroth to see themselves not profiting by the negotiation, and losing the trade, or likely to be excluded from it; and they were the more so because, as we have it upon our journals, during all that time the trade of the negotiators was not proscribed, but a perwannah was issued by Cossim Ally Khan, that the trade of his friends,

Mr. Vansittart and Mr. Hastings, should not be subject to the general regulations. This filled the whole settlement with ill blood; but in the regulation itself (I put the motive and the secret history out of the case) undoubtedly Mr. Hastings and Mr. Vansittart were on the right side. They had shown to a demonstration the mischief of this trade. However, as the other party were strong, and did not readily let go their hold of this great advantage, first, dissensions, murmurs, various kinds of complaints, and ill blood arose. Cossim Ally was driven to the wall; and, having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ally Khan signalized his first acts of hostility by an atrocity committed against the faith of treaties, against the rules of war, against every principle of honor. This intended murderer of his father-in-law, whom Mr. Hastings had assisted to raise to the throne of Bengal, well knowing his character and his disposition, and well knowing what such a man was capable of doing, this man massacred the English wherever he met them. There were two hundred or thereabout of the Company's servants, or their dependants, slaughtered at Patna, with every circumstance of the most abominable cruelty. Their limbs were cut to pieces. The tyrant whom Mr. Hastings set up, cut and hacked the limbs of British subjects in the most cruel and perfidious manner; threw them into wells, and polluted the waters of the country with British blood. Immediately war is declared against him in form. That war sets the whole country in a blaze; and then other parties begin to appear upon the scene, whose transactions you will find yourselves deeply concerned in hereafter.



As soon as war was declared against Cossim, it was necessary to resolve to put up another nabob, and to have another revolution; and where do they resort but to the man whom, for his alleged tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government, they had dethroned. This very man they take up again to place on the throne, from which they had about two years before removed him, and for the effecting of which they had committed so many iniquities. Even this revolution was not made without being paid for. According to the usual order of procession, in which the youngest walk first—First comes the Company; and the Company had secured to it in perpetuity those provinces which Cossim Ally Khân had ceded, as it was thought, rather in the way of mortgage than anything else. Then, under the name of compensation for sufferings to the people concerned in the trade, and in the name of donation to an army and a navy, which had little to do in this affair, they tax him, what sum do you think? They tax that empty and undone treasury of that miserable and undone country £500,000 for a private emolument to themselves; for the compensation for this iniquitous trade; for the compensation for abuses, of which he was neither the author nor the abettor; they tax this miserable prince £500,000. That sum was given to individuals. Now comes the Company at home, which, on hearing this news, was all inflamed. The directors were on fire. They were shocked at it, and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the meantime the gentlemen did not trouble their

heads upon that subject, but meant to exact and get their £500,000 as they could.

Here was a third revolution bought at this amazing sum, and this poor miserable prince first dragged from Moorshedabad to Calcutta, then dragged back from Calcutta to Moorshedabad, the sport of fortune, and the plaything of avarice. This poor man is again set up, but is left with no authority; his troops, limited, his person—everything about him in a manner subjugated, a British resident the master of his court; he is set up as a pageant on this throne, with no other authority but what would be sufficient to give a countenance to presents, gifts, and donations. That authority was always left, when all the rest was taken away. One would have thought that this revolution might have satisfied these gentlemen, and that the money gained by it would have been sufficient. No. The partisans of Cossim Ally wanted another revolution. The partisans of the other side wished to have something more done in the present. They now began to think, that to depose Cossim instantly, and to sell him to another, was too much at one time, especially as Cossim Ally was a man of vigor and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ally, that the lieutenancy, the ministry of the king, was a good thing to be sold, and the sale of that might turn out as good a thing as the sale of the prince. For this office there were two rival candidates, persons of great consideration in Bengal; one, a principal Mohammedan called Mahomed Reza Khan, a man of high authority—great piety in his own religion—great learning in the law—of the very first class of Mohammedan nobility: but at the

same time, on all these accounts, he was abhorred and dreaded by the Nabob, who necessarily feared that a man of Mahomed Reza Khan's description would be considered as better entitled and fitter for his seat, as Nabob of the provinces.

To balance him there was another man, known by the name of the Great—Rajah Nundcomar: this man was accounted the highest of his caste, and held the same rank among the Gentoos that Mahomed Reza Khan obtained among the Mohammedans. The prince on the throne had no jealousy of Nundcomar, because he knew that, as a Gentoo, he could not aspire to the office of soubahdar. For that reason he was firmly attached to him; he might depend completely on his services; he was *his* against Mahomed Reza Khân, and against the whole world. There was, however, a flaw in the Nabob's title, which it was necessary should be hid. And perhaps it lay against Mahomed Reza Khân as well as him. But it was a source of apprehension to the Nabob, and contributed to make him wish to keep all Mohammedan influence at a distance. For he was a syed, that is to say, a descendant of Mahomet, and as such, though of the only acknowledged nobility among Mussulmen, would be by that circumstance excluded by the known laws of the Mogul empire from being soubahdar in any of the Mogul provinces, in case the revival of the constitution of that empire should ever again take place.

An auction was now opened before the English council at Calcutta. Mahomed Reza Khân bid largely; Nundcomar bid largely. The circumstances of these two rivals at the Nabob court were equally favorable to the pretensions of each. But the preponderating merits of Ma-

homed Reza Khân, arising from the subjection in which he was likely to keep the Nabob, and make him fitter for the purpose of continued exactions, induced the council to take his money, which amounted to about £220,000. Be the sum paid what it may, it was certainly a large one. In consequence of which the council attempted to invest Mahomed Reza Khân with the office of naib soubah, or deputy viceroy. As to Nundcomar, they fell upon him with a vengeful fury: he fought his battle as well as he could; he opposed bribe to bribe, eagle to eagle; but at length he was driven to the wall. Some received his money, but did him no service in return: others, more conscientious, refused to receive it: and in this battle of bribes he was vanquished. A deputation was sent from Calcutta to the miserable Nabob, to tear Nundcomar, his only support, from his side; and to put the object of all his terrors, Mahomed Reza Khân, in his place.

Thus began a new division that split the presidency into violent factions; but the faction which adhered to Nundcomar was undoubtedly the weakest. That most miserable of men, Meer Jaffier Ally Khân, clinging, as to the last pillar, to Nundcomar, trembling at Mahomed Reza Khân, died in the struggle, a miserable victim to all the revolutions, to all the successive changes and versatile politics at Calcutta. Like all the rest of the great personages whom we have degraded and brutalized by insult and oppression, he betook himself to the usual destructive resources of unprincipled misery—sensuality, opium, and wine. His gigantic frame of constitution soon gave way under the oppression of this relief, and he died, leaving children and grandchildren by wives and concubines. On the old Nabob's death Mahomed Reza

Khân was acknowledged deputy nabob, the money paid, and this revolution completed.

Here, my lords, opened a new source of plunder, speculation, and bribery, which was not neglected. Revolutions were no longer necessary, succession supplied their places; and well the object agreed with the policy. Rules of succession could not be very well ascertained to an office like that of the Nabob, which was hereditary only by the appointment of the Mogul. The issue by lawful wives would naturally be preferred by those who meant the quiet of the country. But a more doubtful title was preferred, as better adapted to the purposes of extortion and speculation. This miserable succession was sold, and the eldest of the issue of Munny Begum, a harlot, brought in to pollute the harem of the seraglio, of whom you will hear much hereafter, was chosen. He soon succeeded to the grave. Another son of the same prostitute succeeded to the same unhappy throne, and followed to the same untimely grave. Every succession was sold; and between venal successions and venal revolutions, in a very few years seven princes and six sales were seen successively in Bengal. The last was a minor, the issue of a legitimate wife, admitted to succeed because a minor, and because there was none illegitimate left. He was instantly stripped of the allowance of his progenitors, and reduced to a pension of 160,000 a year. He still exists, and continued to the end of Mr. Hastings' government to furnish constant sources of bribery and plunder to him and his creatures.

The offspring of Munny Begum clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, as they had done from the side of his father, and carried him down as a sort of prisoner to Calcutta; where, hav-

ing had the weakness to become the first informer, he was made the first example. This person, pushed to the wall, and knowing that the man he had to deal with was desperate and cruel in his resentment, resolves on the first blow, and enters before the council a regular information in writing of bribery against Mr. Hastings. In his preface to that charge he excuses himself for what is considered to be an act equally insane and wicked, and as the one inexpressible crime of an Indian—the discovery of the money he gives—that Mr. Hastings had declaredly determined on his ruin, and to accomplish it had newly associated himself with one Mohun Persaud, a name I wish your lordships to remember, a bitter enemy of his, an infamous person, whom Mr. Hastings knew to be such, and as such had turned him out of his house; that Mr. Hastings had lately recalled and held frequent communications with this Mohun Persaud, the subject of which he had no doubt was his ruin. In the year 1775 he was hanged by those incorrupt English judges, who were sent to India by Parliament to protect the natives from oppression.

Your lordships will observe that this new sale of the office of ministers succeeded to the sale of that of nabobs. All these varied and successive sales shook the country to pieces. As if those miserable exhausted provinces were to be cured of inanition by phlebotomy—while Cossim Ally was racking it above, the Company were drawing off all its nutriment below. A dreadful, and extensive, and most chargeable war followed. Half the northern force of India poured down like a torrent on Bengal, endangered our existence, and exhausted all our resources. The war was the fruit of Mr. Hastings' cabals. Its termination, as usual, was the result of the

military merit and the fortune of this nation. Cossim Ally, after having been defeated by the military genius and spirit of England (for the Adamases, Monroes, and others of that period, I believe, showed as much skill and bravery as any of their predecessors), in his flight swept away above three millions in money, jewels, or effects, out of a country which he had plundered and exhausted by his unheard-of exactions. However, he fought his way like a retiring lion, turning his face to his pursuers. He still fought along his frontier. His ability and his money drew to his cause the Soubahdar of Oude, the famous Shuja ul Dowla. The Mogul entered into these wars, and penetrated into the lower provinces on one side, while Bulwant Sing, the Rajah of Benares, entered them on another. After various changes of party, and changes of fortune, the loss, which began in the treachery of the civil service, was, as I have before remarked, redeemed by military merit. Many examples of the same sort have since been seen.

While these things were transacted in India, the court of directors in London, hearing of so many changes, hearing of such an incredible mass of perfidy and venality, knowing that there was a general market made of the country and of the Company; that the flame of war spread from province to province; that, in proportion as it spread, the fire glowed with augmented fierceness; and that the rapacity which originally gave rise to it was following it in all its progress; the Company, my lords, alarmed not only for their acquisitions but their existence, and finding themselves sinking lower and lower by every victory they obtained, thought it necessary at length to come to some system and some settlement. After com-

posing their differences with Lord Clive, they sent him out to that country, about the year 1765, in order, by his name, weight, authority, and vigor of mind, to give some sort of form and stability to government, and to rectify the innumerable abuses which prevailed there; and particularly that great source of disorders, that fundamental abuse—presents: for the bribes, by which all these revolutions were bought, had not the name of conditions, stipulations, or rewards; they even had the free and gratuitous style of presents. The receivers contended that they were mere gratuities given for service done, or mere tokens of affection and gratitude to the parties. They may give them what names they please, and your lordships will think of them what you please. But they were the donations of misery to power, the gifts of sufferers to the oppressors; and, consequently, where they prevailed, they left no certain property or fixed situation to any man in India, from the highest to the lowest.

The court of directors sent out orders to enlarge the servants' covenants, with new and severe clauses, strongly prohibiting the practice of receiving presents. Lord Clive himself had been a large receiver of them. Yet, as it was in the moment of a revolution, which gave them all they possessed, the Company would hear no more of it. They sent him out to reform—whether they chose well or ill, does not signify. I think, upon the whole, they chose well; because his name and authority could do much. They sent him out to redress the grievances of that country, and it was necessary he should be well armed for that service. They sent him out with such powers as no servant of the Company ever held before. I would not be understood here in my own character, much less in



the delegated character in which I stand, to contend for any man in the totality of his conduct. Perhaps in some of his measures he was mistaken, and in some of his acts reprehensible; but justice obliges me to say that the plan which he formed, and the course which he pursued, were in general great and well imagined; that he laid great foundations, if they had been properly built upon. For, in the first place, he composed all the neighboring countries, torn to pieces by the wars of Cossim Ally, and quieted the apprehensions raised by the opinion of the boundless ambition of England. He took strong measures to put an end to a great many of the abuses that prevailed in the country subject to the Company. He then proceeded to the upper provinces; and formed a plan which, for a military man, has great civil and political merit. He put a bound to the aspiring spirit of the Company's servants; he limited its conquests; he prescribed bounds to its ambition. First (says he) quiet the minds of the country; what you have obtained, regulate; make it known to India that you resolve to acquire no more. On this solid plan he fixed every prince that was concerned in the preceding wars, on the one side and on the other, in a happy and easy settlement. He restored Shuja ul Dowla, who had been driven from his dominions by the military arm of Great Britain, to the rank of vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia, he reinstated this expelled enemy of his nation peaceably upon his throne. And this act of politic generosity did more toward quieting the minds of the people of Asia than all the terror, great as it was, of the English arms. At the same time Lord Clive, generous to all, took pe-

culiar care of our friends and allies. He took care of Bulwant Sing, the great Rajah of Benares, who had taken our part in the war. He secured him from the revenge of Shuja ul Dowla. The Mogul had granted us the superiority over Bulwant Sing. Lord Clive re-established him in a secure, easy independency. He confirmed him, under the British guarantee, in the rich principality which he held.

The Mogul, the head of the Mussulman religion in India, and of the Indian empire, a head honored and esteemed even in its ruins, he procured to be recognized by all the persons that were connected with his empire. The rents, that ought to be paid to the vizier of the empire, he gave to the vizeret. Thus our alliances were cemented; our enemies were reconciled; all Asia was conciliated by our settlement with the king.

To that unhappy fugitive king, driven from place to place, the sport of fortune, now an emperor, and now a prisoner, prayed for in every mosque, in which his authority was conspired against, one day opposed by the coin struck in his name, and the other day sold for it—to this descendant of Tamerlane he allotted, with a decent share of royal dignity, an honorable fixed residence, where he might be useful, and could not be dangerous.

As to the Bengal provinces, he did not take for the Company the viceroyalty, as Mr. Holwell would have persuaded, almost forced, the Company to do; but, to satisfy the prejudice of the Mohammedans, the country was left in the hands nominally of the soubah or viceroy, who was to administer the criminal justice and the exterior forms of royalty. He obtained from the sovereign the dewannee. This is the great act of the constitutional

entrance of the Company into the body politic of India. It gave to the settlement of Bengal a fixed constitutional form, with a legal title acknowledged and recognized now for the first time by all the natural powers of the country, because it arose from the charter of the undoubted sovereign. The dewanee, or high-stewardship, gave to the Company the collection and management of the revenue; and in this modest and civil character they appeared not the oppressors but the protectors of the people. This scheme had all the real power, without any invidious appearance of it; it gave them the revenue, without the parade of sovereignty. On this double foundation the government was happily settled. The minds of the natives were quieted. The Company's territories and views were circumscribed. The arm of force was put out of sight. The imperial name covered everything. The power of the purse was in the hand of the Company. The power of the sword was in effect so, as they contracted for the maintenance of the army. The Company had a revenue of a million and a half. The Nabob had indeed fallen from any real and effective power, yet the dignity of the court was maintained; the prejudices and interests of the Moham-medans, and particularly of their nobility, who had suffered more by this great revolution even than the old inhabitants of the country, were consulted: for by this plan a revenue of £500,000 was settled on the viceroyalty, which was thus enabled to provide in some measure for those great families. The Company likewise, by this plan, in order to enjoy their revenues securely, and to avoid envy and murmur, put them into the hands of Mahomed Reza Khan, whom Lord Clive found in the management of affairs, and did not displace; and he was now made deputy

steward to the Company, as he had been before lieutenant-viceroy to the Nabob. A British resident at Moorshedabad was established as a control. The Company exercised their power over the revenue in the first instance through the natives, but the British resident was in reality the great mover.

If ever this nation stood in a situation of glory throughout Asia, it was in that moment. But, as I have said, some material errors and mistakes were committed. After the formation of this plan, Lord Clive unfortunately did not stay long enough in the country to give consistency to the measures of reformation he had undertaken, but rapidly returned to England; and after his departure the government that continued had not vigor or authority to support the settlement then made; and considerable abuses began to prevail in every quarter. Another capital period in our history here commences. Those who succeeded (though I believe one of them was one of the honestest men that ever served the Company, I mean Governor Verelst) had not weight enough to poise the system of the service, and consequently many abuses and grievances again prevailed.—Supervisors were appointed to every district, as a check on the native collectors, and to report every abuse as it should arise. But they, who were appointed to redress grievances, were themselves accused of being guilty of them. However, the disorders were not of that violent kind which preceded Mr. Hastings' departure, nor such as followed his return—no mercenary wars, no mercenary revolutions, no extirpation of nations, no violent convulsions in the revenue, no subversion of ancient houses, no general sales of any descriptions of men—none of these, but certainly such grievances as made it necessary for the

Company to send out another commission in 1769, with instructions pointing out the chief abuses. It was composed of Mr. Vansittart, Mr. Ford, and Mr. Scrafton. The unfortunate end of that commission is known to all the world: but I mention it in order to state, that the receipt of presents was considered as one of the grievances which then prevailed in India; and that the supervisors under that commission were ordered upon no account whatever to take presents. Upon the unfortunate catastrophe which happened, the Company was preparing to send out another for the rectification of these grievances, when Parliament thought it necessary to supersede that commission—to take the matter into their own hands, and to appoint another commission in a parliamentary way (of which Mr. Hastings was one) for the better government of that country. Mr. Hastings, as I must mention to your lordships, soon after the deposition and restoration of Jaffier Ally Khan, and before Lord Clive arrived, quitted for a while the scene in which he had been so mischievously employed, and returned to England to strengthen himself by those cabals which again sent him out with new authority to pursue the courses which were the natural sequel to his former proceedings. He returned to India with great power indeed; first to a seat in council at Fort St. George, and from thence to succeed to the presidency of Fort William. On him the Company placed their chief reliance. Happy had it been for them, happy for India, and for England, if his conduct had been such as to spare your lordships and the Commons the exhibition of this day.

When this government, with Mr. Hastings at the head of it, was settled, Moorshedabad did still continue the seat of the native government, and of all the collections.

Here the Company was not satisfied with placing a resident at the durbar, which was the first step to our assuming the government in that country. These steps must be traced by your lordships, for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps by which the Company's government came to be established, and to supersede the native. The next step was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general council of revenue at Moorshedabad, to superintend the great steward, Mahomed Reza Khan. In 1772, that council by Mr. Hastings was overturned, and the whole management of the revenue brought to Calcutta. Mahomed Reza Khan, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles which your lordships will hereafter see; and at last the dewannee was entirely taken out of the native hands, and settled in the supreme council and presidency itself in Calcutta; and so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the supreme council, in which the orders of the Company, an act of Parliament, and their own act had vested it, and put it into a subordinate council—that is, it was entirely vested in himself.

Now your lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity—stated the grounds and principles upon which they were made—stated the abuses that grew upon them—and that every revolution produced its abuse. You saw the native government vanish by degrees, until it was reduced to a situation fit for nothing but to become a private perquisite, as

it has been to Mr. Hastings, and to be granted to whom he pleased. The English government succeeded, at the head of which Mr. Hastings was placed by an act of Parliament, having before held the office of president of the council—the express object of both these appointments being to redress grievances; and within these two periods of his power, as president and governor-general, were those crimes committed of which he now stands accused. All this history is merely by way of illustration—his crimination begins from his nomination to the presidency; and we are to consider how he comported himself in that station, and in his office of governor-general.

The first thing in considering the merits or demerits of any governor, is to have some test by which they are to be tried. And here, my lords, we conceive, that when a British governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which in all respects intend their conservation, their happiness, and their prosperity. This is the principle upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here.

His rule was, what a British governor, intrusted with the power of this country, was bound to do, or to forbear. If he has performed, and if he has abstained, as he ought, dismiss him honorably acquitted from your bar; otherwise condemn him. He may resort to other principles and to other maxims, but this country will force him to be tried by its laws. The law of this country recognizes that well-known crime, called misconduct in office; it is a head of the law of England, and, so far as inferior courts are competent to try it, may be tried in them. Here your lord-

ships' competence is plenary; you are fully competent both to inquire into and to punish the offence. And, first, I am to state to your lordships, by the direction of those whom I am bound to obey, the principles on which Mr. Hastings declares he has conducted his government; principles, which he has avowed—first, in several letters written to the East India Company—next, in a paper of defence delivered to the House of Commons, explicitly; and more explicitly in his defence before your lordships. Nothing in Mr. Hastings' proceedings is so curious as his several defences; and nothing in the defences is so singular as the principles upon which he proceeds. Your lordships will have to decide not only upon a large, connected, systematic train of misdemeanors, but an equally connected system of principles and maxims of government invented to justify those misdemeanors. He has brought them forward and avowed them in the face of day. He has boldly and insultingly thrown them in the face of the representatives of a free people, and we cannot pass them by without adopting them.

I am directed to protest against those grounds and principles upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely the foundation, of our charge. My lords, we contend that Mr. Hastings, as a British governor, ought to govern on British principles: not by British forms—God forbid; for, if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into any country. No. We call for that spirit of equity, that spirit of justice, that spirit of protection, that spirit of lenity, which



ought to characterize every British subject in power; and on these, and these principles only, he will be tried.

But he has told your lordships, in his defence, that actions in Asia do not bear the same moral qualities which the same actions would bear in Europe.

My lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your lordships know, that these gentlemen have formed a plan of *geographical morality*, by which the duties of men, in public and in private situations, are not to be governed by their relation to the great Governor of the universe, or by their relation to mankind, but by climates, degrees of longitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial, all the virtues die, as they say some insects die when they cross the line; as if there were a kind of baptism, like that practiced by seamen, by which they unbaptize themselves of all that they learned in Europe, and after which a new order and system of things commenced.

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it; and on this point I hope and trust many words will not be necessary to satisfy your lordships. But we think it necessary, in justification of ourselves, to declare, that the laws of morality are the same everywhere; and that there is no action, which would pass for an act of extortion, of speculation, of bribery, and of oppression in England, that is not an act of extortion, of speculation, of bribery, and oppression in Europe, Asia, Africa, and all the world over.

This I contend for, not in the technical forms of it, but I contend for it in the substance.

Mr. Hastings comes before your lordships not as a British governor answering to a British tribunal, but as a soubahdar, as a bashaw of three tails. He says, "I had an arbitrary power to exercise: I exercised it. Slaves I found the people; slaves they are, they are so by their constitution; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it, and no other power can be exercised in that country." This, if it be true, is a plea in bar. But I trust and hope your lordships will not judge by laws and institutions which you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your lordships patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles, as well as the actions which are justified on such principles, to your lordships' bar; that it may be known whether the Peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English governor tried before you as a British subject, and yet declaring that he governed on the principles of arbitrary power. His plea is, that he did govern there on arbitrary and despotic and, as he supposes, Oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, the principles and the conduct must be tried together.

If your lordships will now permit me, I will state one

of the many places in which he has avowed these principles as the basis and foundation of all his conduct. "The sovereignty which they assumed it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of Parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, etc., is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seized of that sovereignty." So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish and well distinguish the learning of this country, is not to know anything of his duty; and whether he was bound by any or what act of Parliament, is a thing he is not lawyer enough to know. Now, if your lordships will suffer the laws to be broken by those who are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. He therefore goes to a law he is better acquainted with; that is, the law of arbitrary power and force, if it deserves to be called by the name of law. "If, therefore," says he, "the *sovereignty* of Benares, as ceded to us by the vizier, have *any rights whatever* annexed to it (and be not a mere empty word without meaning), those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of Parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of Parliament shall

positively, or by implication, tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the Company against my consent and opinion (for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise); I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made a uniform compact body by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindustan has been constantly exposed to these and similar disadvantages ever since the Mohammedan conquests.

“The Hindus, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers but from its visible effects, and those are everywhere the same from

Cabul to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew that, from the history of Asia and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and, as such, exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindustanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Allaverdy Khan and Cossim Ally fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

My lords, you have now heard the principles on which

Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of the mean and depraved state of those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application he makes of it; and you hear the practices which he employs to justify it, and who the persons were on whose authority he relies, and whose example he professes to follow. In the first place, your lordships will be astonished at the audacity with which he speaks of his own administration, as if he was reading a speculative lecture on the evils attendant upon some vicious system of foreign government, in which he had no sort of concern whatsoever. And then, when in this speculative way he has established, or thinks he has, the vices of the government, he conceives he has found a sufficient apology for his own crimes. And if he violates the most solemn engagements, if he oppresses, extorts, and robs, if he imprisons, confiscates, banishes at his sole will and pleasure, when we accuse him for his ill treatment of the people committed to him as a sacred trust, his defence is—to be robbed, violated, oppressed is their privilege; let the constitution of their country answer for it. I did not make it for them. Slaves I found them, and as slaves I have treated them. I was a despotic prince; despotic governments are jealous, and the subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign's jealousy; and this is consequent on the political state of Hindustanic governments. He lays it down, as a rule, that despotism is the genuine constitution of India; that a disposition to rebellion in the subject, or dependent

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prince, is the necessary effect of this despotism; and that jealousy and its consequences naturally arise on the part of the sovereign—that the government is everything, and the subject nothing; that the great landed men are in a mean and depraved state, and subject to many evils.

Such a state of things, if true, would warrant conclusions directly opposite to those which Mr. Hastings means to draw from them, both argumentatively and practically, first to influence his conduct and then to bottom his defence of it.

Perhaps you will imagine that the man who avows these principles of arbitrary government, and pleads them as the justification of acts which nothing else can justify, is of opinion that they are, on the whole, good for the people over whom they are exercised. The very reverse. He mentions them as horrible things, tending to inflict on the people a thousand evils, and to bring on the ruler a continual train of dangers. Yet he states that your acquisitions in India will be a detriment instead of an advantage, if you destroy arbitrary power, unless you can reduce all the religious establishments, all the civil institutions, and tenures of land, into one uniform mass; that is, unless by acts of arbitrary power you extinguish all the laws, rights, and religious principles of the people, and force them to a uniformity; and on that uniformity build a system of arbitrary power.

But nothing is more false than that despotism is the constitution of any country in Asia that we are acquainted with. It is certainly not true of any Mohammedan constitution. But if it were, do your lordships really think that the nation would bear, that any human creature would bear, to hear an English governor defend himself on such

principles? or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for anything, but by being totally independent of the British government? Here he has declared his opinion that he is a despotic prince, that he is to use arbitrary power, and of course all his acts are covered with that shield. "*I know*," says he, "*the constitution of Asia only from its practice*." Will your lordships submit to hear the corrupt practices of mankind made the principles of government?—No; it will be your pride and glory to teach men intrusted with power, that, in their use of it, they are to conform to principles, and not to draw their principles from the corrupt practice of any man whatever. Was there ever heard, or could it be conceived, that a governor would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, corruptions, briberies, of all the ferocious usurpers, desperate robbers, thieves, cheats, and jugglers, that ever had office from one end of Asia to another, and consolidating all this mass of the crimes and absurdities of barbarous domination into one code, establish it as the whole duty of an English governor? I believe, that till this time so audacious a thing was never attempted by man.—

*He* have arbitrary power! My lords, the East India Company have not arbitrary power to give him; the king has no arbitrary power to give him; your lordships have not; nor the Commons; nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, all



born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have—it does not arise from our vain institutions. Every good gift is of God; all power is of God—and He, who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practiced upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense; neither he that exercises it, nor even those who are subject to it: and, if they were mad enough to make an express compact, that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, that covenant would be void. The acceptor of it has not his authority increased, but he has his crime doubled. Therefore can it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice?

The title of conquest makes no difference at all. No conquest can give such a right; for conquest, that is force, cannot convert its own injustice into a just title, by which it may rule others at its pleasure. By conquest, which is a more immediate designation of the hand of God, the conqueror succeeds to all the painful duties and subordination to the power of God, which belonged to the sovereign whom he has displaced, just as if he had come in by the positive law of some descent or some election. To this at least he is strictly bound—he ought to govern them as he governs his own subjects. But every wise conqueror has gone much further than he was bound to go. It has been his ambition and his policy to reconcile the vanquished to his fortune, to show that they had gained by the change, to convert their momentary suffering into a long benefit, and to draw from the humiliation of his enemies an accession to his own glory. This has been so constant a practice, that it is to repeat the histories of all politic conquerors in all nations and in all times; and I will not so much distrust your lordships' enlightened and discriminating studies and correct memories, as to allude to one of them. I will only show you that the court of directors, under whom he served, has adopted that idea, that they constantly inculcated it to him and to all the servants, that they run a parallel between their own and the native government, and supposing it to be very evil, did not hold it up as an example to be followed, but as an abuse to be corrected; that they never made it a question, whether India is to be improved by English law and liberty, or English law and liberty vitiated by Indian corruption.

No, my lords, this arbitrary power is not to be had by

conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, rapine, and violence; neither by compact, covenant, or submission—for men cannot covenant themselves out of their rights and their duties; nor by any other means can arbitrary power be conveyed to any man. Those who give to others such rights, perform acts that are void as they are given, good indeed and valid only as tending to subject themselves and those who act with them to the Divine displeasure; because morally there can be no such power. Those who give and those who receive arbitrary power are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. It is a crime to bear it, when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to God.

Despotism does not in the smallest degree abrogate, alter, or lessen any one duty of any one relation of life, or weaken the force or obligation of any one engagement

or contract whatsoever. Despotism, if it means anything that is at all defensible, means a mode of government bound by no written rules, and coerced by no controlling magistracies or well-settled orders in the state. But if it has no written law, it neither does nor can cancel the primeval, indefeasible, unalterable law of nature and of nations; and if no magistracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities. The moment a sovereign removes the idea of security and protection from his subjects, and declares that he is everything, and they nothing, when he declares that no contract he makes with them can or ought to bind him, he then declares war upon them. He is no longer sovereign; they are no longer subjects.

No man, therefore, has a right to arbitrary power. But the thought, which is suggested by the depravity of him who brings it forward, is supported by a gross confusion of ideas and principles, which your lordships well know how to discern and separate. It is manifest, that in the eastern government, and the western, and in all governments, the supreme power in the state cannot, while that state subsists, be rendered criminally responsible for its actions; otherwise it would not be the supreme power. It is certainly true, but the actions do not change their nature by losing their responsibility. The arbitrary acts which are unpunished are not the less vicious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

It is not merely so in this or that government, but in all countries. The king in this country is undoubtedly

unaccountable for his actions. The House of Lords, if it should ever exercise (God forbid I should suspect it would ever do what it has never done), but if it should ever abuse its judicial power, and give such a judgment as it ought not to give, whether from fear of popular clamor on the one hand, or predilection to the prisoner on the other—if they abuse their judgments there is no calling them to an account for it. And so if the Commons should abuse their power—nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it; there is no punishing them for their acts, because we exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No. Till society fall into a state of dissolution they cannot be accountable for their acts. But it is from confounding the unaccountable character inherent in the supreme power with arbitrary power that all this confusion of ideas has arisen.

Even upon a supposition that arbitrary power can exist anywhere, which we deny totally, and which your Lordships will be the first and proudest to deny, still absolute, supreme dominion was never conferred or delegated by you; much less arbitrary power, which never did in any case, nor ever will in any case, time, or country, produce any one of the ends of just government.

It is true that the supreme power in every constitution of government must be absolute; and this may be corrupted into the arbitrary. But all good constitutions have established certain fixed rules for the exercise of their functions, which they rarely or ever depart from, and which

rules form the security against that worst of evils, the government of will and force instead of wisdom and justice.

But though the supreme power is in a situation resembling arbitrary, yet never was there heard of in the history of the world, that is, in that mixed chaos of human wisdom and folly, such a thing as an *intermediate* arbitrary power—that is, of an officer of government, who is to exert authority over the people without any law at all, and who is to have the benefit of all laws, and all forms of law, when he is called to an account. For that is to let a wild beast (for such is a man without law) loose upon the people to prey on them at his pleasure; while all the laws, which ought to secure the people against the abuse of power, are employed to screen that abuse against the cries of the people.

This is *de facto* the state of our Indian government. But to establish it so in right as well as in fact, is a thing left for us to begin with—the first of mankind.

For a subordinate arbitrary or even despotic power never was heard of in right, claim, or authorized practice. Least of all has it been heard of in the eastern governments, where all the instances of severity and cruelty fall upon governors and persons intrusted with power. This would be a gross contradiction. Before Mr. Hastings none ever came before his superiors to claim it; because, if any such thing could exist, he claims the very power of that sovereign who calls him to account.

But suppose a man to come before us, denying all the benefits of law to the people under him—and yet, when he is called to account, to claim all the benefits of that law, which was made to screen mankind from the excesses

of power: such a claim, I will venture to say, is a monster, that never existed except in the wild imagination of some theorist. It cannot be admitted, because it is a perversion of the fundamental principle, that every power, given for the protection of the people below, should be responsible to the power above. It is to suppose, that the people shall have no laws with regard to *him*, yet when *he* comes to be tried, he shall claim the protection of those laws, which were made to secure the people from his violence; that he shall claim a fair trial, an equitable hearing, every advantage of counsel (God forbid he should not have them), yet that the people under him shall have none of those advantages. The reverse is the principle of every just and rational procedure. For the people, who have nothing to use but their natural faculties, ought to be gently dealt with; but those who are intrusted with an artificial and instituted authority have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their means are infinitely more effectual for mischief by turning the powers given for the preservation of society to its destruction; so that if an arbitrary procedure be justifiable, a strong one I am sure is, it is when used against those who pretend to use it against others.

My lords, I will venture to say of the governments of Asia, that none of them ever had an arbitrary power; and if any governments had an arbitrary power, they cannot delegate it to any persons under them; that is, they cannot so delegate it to others as not to leave them accountable on the principles upon which it was given. As this is a contradiction in terms, a gross absurdity as well as a monstrous wickedness, let me say, for the honor of human

nature, that although undoubtedly we may speak it with the pride of England, that we have better institutions for the preservation of the rights of men than any other country in the world; yet I will venture to say, that no country has wholly meant, or ever meant, to give this power.

As it cannot exist in right on any rational and solid principles of government, so neither does it exist in the constitution of Oriental governments, and I do not insist upon it that Oriental governments know nothing of arbitrary power. I have taken as much pains as I could to examine into the constitutions of them. I have been endeavoring to inform myself at all times on this subject; of late, my duty has led me to a more minute inspection of them, and I do challenge the whole race of man to show me any of the Oriental governors claiming to themselves a right to act by arbitrary will.

The greatest part of Asia is under Mohammedan governments. To name a Mohammedan government is to name a government by law. It is a law enforced by stronger sanctions than any law that can bind a Christian sovereign. Their law is believed to be given by God, and it has the double sanction of law and of religion, with which the prince is no more authorized to dispense than any one else. And, if any man will produce the Koran to me, and will but show me one text in it that authorizes in any degree an arbitrary power in the government, I will confess that I have read that book, and been conversant in the affairs of Asia, in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters established throughout all Asia to explain that law, an order of priesthood whom they call *men of the*



*law.* These men are conservators of the law; and, to enable them to preserve it in its perfection, they are secured from the resentment of the sovereign, for he cannot touch them. Even their kings are not always vested with a real supreme power; but the government is in some degree republican.

To bring this point a little nearer home, since we are challenged thus, since we are led into Asia, since we are called upon to make good our charge on the principles of the governments there, rather than of those of our own country (which I trust your lordships will oblige him finally to be governed by, puffed up as he is with the insolence of Asia), the nearest to us of the governments he appeals to is that of the Grand Seignior, the emperor of the Turks.—*He* an arbitrary power! Why he has not the supreme power of his own country. Every one knows that the Grand Seignior is exalted high in *titles*, as our prerogative lawyers exalt an abstract sovereign, and he cannot be exalted higher in our books. I say he is destitute of the first character of sovereign power. He cannot lay a tax upon his people.

The next part in which he misses of a sovereign power is, that he cannot dispose of the life, of the property, or of the liberty of any of his subjects, but by what is called the *fetfa*, or sentence of the law. He cannot declare peace or war without the same sentence of the law; so much is *he*, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax on his subjects, or declare peace or war, I leave it to your lordships' judgment whether he can be called, according to the principles of that constitution, an arbitrary

power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles (unless he happens to be secured by a faction of the soldiery), is liable to be deposed on the sentence of that law, and his successor comes in under the strict limitations to the ancient law of that country: neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. Thus much may be said, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatic sovereigns; and he is more Asiatic than European, he is a Mohammedan sovereign; and no Mohammedan is born who can exercise any arbitrary power at all consistently with their constitution; insomuch that this chief magistrate, who is the highest executive power among them, is the very person who, by the constitution of the country, is the most fettered by law.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The *practice of Asia*, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. The question is, whether you will take the constitution of the country as your rule, or the base practices of those usurpers, robbers, and tyrants, who have subverted it. Undoubtedly much blood, murder, false imprisonment, much peculation, cruelty, and robbery, are to be found in Asia; and if, instead of going to the sacred laws of the country, he chooses to resort to the iniquitous practices of it, and practices authorized only by public tumult, contention, war, and riot, he may, indeed, find as clear an acquittal in the practices as he would find condemnation in the institutions of it. He has rejected the law of England. Your lordships will not suffer it. God

forbid! For my part I should have no sort of objection to let him choose his law—Mohammedan, Tartarian, Gentoo. But if he disputes, as he does, the authority of an act of Parliament, let him state to me that law to which he means to be subject, or any law, which he knows, that will justify his actions. I am not authorized to say that I shall, even in that case, give up what is not in me to give up, because I represent an authority of which I must stand in awe; but, for myself, I shall confess that I am brought to public shame, and am not fit to manage the great interests committed to my charge. I therefore again repeat of that Asiatic government with which we are best acquainted, which has been constituted more in obedience to the laws of Mahomet than any other—that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

The next point for us to consider is whether or no the Mohammedan constitution of India authorizes that power. The gentleman at your lordships' bar has thought proper to say that it will be happy for India (though soon after he tells you it is a happiness they can never enjoy) "when the despotic Institutes of Genghiz Khan or Tamerlane shall give place to the liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind."

My lords, you have seen what he says about an act of Parliament. Do you not now think it rather an extraordinary thing that any British subject should, in vindication of the authority which he has exercised, here quote the names and institutes, as he calls them, of fierce conquerors, of men who were the scourges of mankind,

whose power was a power which they held by force only?

As to the Institutes of Genghiz Khan, which he calls arbitrary institutes, I never saw them. If he has that book he will oblige the public by producing it. I have seen a book existing called Yassa of Genghiz Khan; the other I never saw. If there be any part of it to justify arbitrary power, he will produce it. But, if we may judge by those ten precepts of Genghiz Khan which we have, there is not a shadow of arbitrary power to be found in any one of them. Institutes of arbitrary power! Why, if there is arbitrary power, there can be no institutes.

As to the Institutes of Tamerlane, here they are in their original, and here is a translation. I have carefully read every part of these Institutes; and if any one shows me one word in them in which the prince claims in himself arbitrary power, I again repeat that I shall for my own part confess that I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious principles of government than this book, called the Institutions of Tamerlane. Nor is there one word of arbitrary power in it, much less of that arbitrary power which Mr. Hastings supposes himself justified by; namely, a delegated, subordinate, arbitrary power. So far was that great prince from permitting this gross, violent, intermediate arbitrary power, that I will venture to say, the chief thing by which he has recommended himself to posterity was a most direct declaration of all the wrath and indignation of the supreme government against it. But here is the book. It contains the Institutes of the founder of the Mogul empire, left as a sacred legacy to his

posterity, as a rule for their conduct, and as a means of preserving their power.

"BE it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God that many of my children, descendants, and posterity shall sit upon the throne of power and regal authority; upon this account, having established laws and regulations for the well governing of my dominions, I have collected together those regulations and laws as a model for others; to the end that every one of my children, descendants, and posterity acting agreeably thereto, my power and empire, which I acquired through hardships, and difficulties, and perils, and bloodshed, by the Divine favor and by the influence of the holy religion of Mahomet (God's peace be upon him), and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved.

"And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power which shall descend from me to them may be safe from discord and dissolution.

"Now, therefore, be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that in like manner as I by twelve maxims, which I established as the rule of my conduct, attained to regal dignity, and with the assistance of these maxims conquered and governed kingdoms, and decorated and adorned the throne of my empire, let them also act according to these regulations, and preserve the splendor of mine and their dominions.

"And among the rules which I established for the

support of my glory and empire, the *First* was this—That I promoted the worship of Almighty God, and propagated the religion of the sacred Mahomet throughout the world; and at all times in all places supported the true faith.

*Secondly:* With the people of the twelve classes and tribes I conquered and governed kingdoms; and with them I strengthened the pillars of my fortune, and from them I formed my assembly.

*Thirdly:* By consultation, and deliberation, and provident measures, by caution, and by vigilance, I vanquished armies, and I reduced kingdoms to my authority. And I carried on the business of my empire by complying with times and occasions, and by generosity, and by patience, and by policy; and I acted with courteousness toward my friends and toward my enemies.

*Fourthly:* By order and by discipline I regulated the concerns of my government; and by discipline and by order I so firmly established my authority that the ameers, and the viziers, and the soldiers, and the subjects, could not aspire beyond their respective degrees; and every one of them was the keeper of his own station.

*Fifthly:* I gave encouragement to my ameers and to my soldiers, and with money and with jewels I made them glad of heart; and I permitted them to come into the banquet; and in the field of blood they hazarded their lives. And I withheld not from them my gold nor my silver. And I educated and trained them to arms; and to alleviate their sufferings I myself shared in their labors and in their hardships, until with the arm of fortitude and resolution, and with the unanimity of my chiefs, and my generals, and my warriors, by the edge of the sword I

obtained possession of the thrones of seven-and-twenty kings; and became the king and the ruler of the kingdoms of Eracen and of Tooraun; and of Room, and of Mughrib, and of Shaum; and of Missur, and of Erank-a-Arrub, and of Ajjum; and of Mauzinduraun, and of Kylaunaut; and of Shurvaunaut, and of Azzurbauejaun; and of Fauris, and of Khorausau; and of the Dusht of Jitteh, and the Dusht of Kipchawk; and of Khauruzm, and of Khuttun, and of Kauboolistaun; and of Hindustau, and of Baukhtur Zemeen.

“And when I clothed myself in the robe of empire, I shut my eyes to safety, and to the repose which is found on the bed of ease. And from the twelfth year of my age I travelled over countries, and combated difficulties, and formed enterprises, and vanquished armies; and experienced mutinies among my officers and my soldiers, and was familiarized to the language of disobedience; and I opposed them with policy and with fortitude, and I hazarded my person in the hour of danger; until in the end I vanquished kingdoms and empires, and established the glory of my name.

“*Sixthly*: By justice and equity I gained the affections of the people of God; and I extended my clemency to the guilty as well as to the innocent; and I passed that sentence which truth required: and by benevolence I gained a place in the hearts of men; and by rewards and punishments I kept both my troops and my subjects divided between hope and fear. And I compassionated the lower ranks of my people, and those who were distressed. And I gave gifts to the soldiers.

“And I delivered the oppressed from the hand of the oppressor; and, after proof of the oppression, whether on

the property or the person, the decision which I passed between them was agreeable to the sacred law. And I did not cause any one person to suffer for the guilt of another.

“Those who had done me injuries, who had attacked my person in battle, and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness; I conferred on them additional honors, and I drew the pen of oblivion over their evil actions. And I treated them in such sort that if suspicion remained in their hearts, it was plucked out entirely.

“*Seventhly*: I selected out, and treated with esteem and veneration, the posterity of the Prophet, and the theologians, and the teachers of the true faith, and the philosophers, and the historians. And I loved men of courage and valor; for God Almighty loveth the brave. And I associated with good and learned men; and I gained their affections, and I entreated their support, and I sought success from their holy prayers. And I loved the dervishes and the poor; and I oppressed them not; neither did I exclude them from my favor. And I permitted not the evil and the malevolent to enter into my council; and I acted not by their advice; and I listened not to their insinuations to the prejudice of others.

“*Eighthly*: I acted with resolution; and on whatever undertaking I resolved, I made that undertaking the only object of my attention; and I withdrew not my hand from that enterprise, until I had brought it to a conclusion. And I acted according to that which I said. And I dealt not with severity toward any one, and I was not oppressive in any of my actions; that God Almighty might not



deal severely toward me, nor render my own actions oppressive unto me.

“And I inquired of learned men into the laws and regulations of ancient princes from the days of Adam to those of the Prophet, and from the days of the Prophet down to this time. And I weighed their institutions, and their actions, and their opinions, one by one. And from their approved manners, and their good qualities, I selected models. And I inquired into the causes of the subversion of their power, and I shunned those actions which tend to the destruction and overthrow of regal authority. And from cruelty and from oppression, which are the destroyers of posterity, and the bringers of famine and of plagues, I found it was good to abstain.

“*Ninthly*: The situation of my people was known unto me. And those who were great among them I considered as my brethren; and I regarded the poor as my children. And I made myself acquainted with the tempers and the dispositions of the people of every country and of every city. And I contracted intimacies with the citizens, and the chiefs, and the nobles; and I appointed over them governors adapted to their manners, and their dispositions, and their wishes. And I knew the circumstances of the inhabitants of every province. And in every kingdom I appointed writers of intelligence, men of truth and integrity, that they might send me information of the conduct, and the behavior, and the actions, and the manners, of the troops and of the inhabitants, and of every occurrence that might come to pass among them. And if I discovered aught contrary to their information, I inflicted punishment on the intelligencer; and every circumstance of cruelty and oppression in the governors,

and in the troops, and in the inhabitants, which reached my ears, I chastised agreeably to justice and equity.

*"Tenthly:* Whatever tribe and whatever horde, whether Toork, or Taucheek, or Arrub, or Ajjum, came in unto me, I received their chiefs with distinction and respect, and their followers I honored according to their degrees and their stations, and to the good among them I did good, and the evil I delivered over to their evil actions.

*"And whoever attached himself unto me, I forgot not the merit of his attachment, and I acted toward him with kindness and generosity; and whoever had rendered me services, I repaid the value of those services unto him. And whoever had been my enemy, and was ashamed thereof, and flying to me for protection humbled himself before me, I forgot his enmity, and I purchased him with liberality and kindness.*

*"In such manner Share Behraum, the chief of a tribe, was along with me. And he left me in the hour of action; and he united with the enemy, and he drew forth his sword against me. And at length, my salt, which he had eaten, seized upon him; and he again fled to me for refuge, and humbled himself before me. As he was a man of illustrious descent, and of bravery, and of experience, I covered my eyes from his evil actions; and I magnified him, and I exalted him to a superior rank, and I pardoned his disloyalty in consideration of his valor.*

*"Eleventhly:* My children, and my relations, and my associates, and my neighbors, and such as had been connected with me, all these I distinguished in the days of my fortune and prosperity, and I paid unto them their due. And with respect to my family, I rent not asunder

the bands of consanguinity and mercy; and I issued not commands to slay them or to bind them with chains.

"And I dealt with every man, whatever the judgment I had formed of him, according to my own opinion of his worth. As I had seen much of prosperity and adversity, and had acquired knowledge and experience, I conducted myself with caution and with policy toward my friends and toward my enemies.

"*Twelfthly*: Soldiers, whether associates or adversaries, I held in esteem; those who sell their permanent happiness to perishable honor, and throw themselves into the field of slaughter and battle, and hazard their lives in the hour of danger.

"And the man who drew his sword on the side of my enemy, and committed hostilities against me, and preserved his fidelity to his master, him I greatly honored: and when such a man came unto me, knowing his worth, I classed him with my faithful associates; and I respected and valued his fidelity and his attachment.

"And the soldier who forgot his honor, and in the hour of action turned his face from his master, and came in unto me, I considered as the most detestable of men.

"And in the war between Touktummish Khaun, his ameers forgot their duty to Touktummish, who was their master and my foe, and sent proposals and wrote letters unto me. And I uttered execrations upon them, because, unmindful of that which they owed their lord, they had thrown aside their honor and their duty, and came in unto me. I said unto myself, what fidelity have they observed to their liege lord? what fidelity will they show unto me?

"And, behold, it was known unto me by experience that every empire which is not established in morality

and religion, nor strengthened by regulations and laws, from that empire all order, grandeur, and power shall pass away. And that empire may be likened unto a naked man, who, when exposed to view, commandeth the eye of modesty to be covered; and it is like unto a house which hath neither roof, nor gates, nor defences, into which whoever willeth may enter unmolested.

"THEREFORE, I established the foundation of my empire on the morality and the religion of Islaum; and by regulations and laws I gave it stability. And by laws and by regulations I executed every business and every transaction that came before me in the course of my government."—

I need not read any further, or I might show your lordships the noble principles, the grand, bold, and manly maxims, the resolution to abstain from oppression himself, and to crush it in the governors under him, to be found in this book, which Mr. Hastings has thought proper to resort to as containing what he calls arbitrary principles.

But it is not in this instance only that I must do justice to the East. I assert that their morality is equal to ours, in whatever regards the duties of governors, fathers, and superiors; and I challenge the world to show, in any modern European book, more true morality and wisdom than is to be found in the writings of Asiatic men in high trust, and who have been counsellors to princes. If this be the true morality of Asia, as I affirm and can prove that it is, the plea founded on Mr. Hastings' geographical morality is annihilated.

I little regard the theories of travellers where they do not relate the facts on which they are founded. I have two instances of facts, attested by Tavernier, a traveller

of power and consequence, which are very material to be mentioned here, because they show that in some of the instances recorded, in which the princes of the country have used any of those cruel and barbarous executions which make us execrate them, it has been upon governors who have abused their trust, and that this very Oriental authority, to which Mr. Hastings appeals, would have condemned him to a dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is, nor can be, anything like such punishments. God forbid that we should not as much detest out-of-the-way, mad, furious, and unequal punishments, as we detest enormous and abominable crimes; because a severe and cruel penalty for a crime of a light nature is as bad and iniquitous as the crime which it pretends to punish. As the instances I allude to are curious, and as they go to the principles of Mr. Hastings' defence, I shall beg to quote them.

The first is upon a governor who did what Mr. Hastings says he has a power delegated to him to do; he levied a tax without the consent of his master. "Some years after my departure from Com (says Tavernier), the governor had, of his own accord, and without any communication with the king, laid a small impost upon every pannier of fruit brought into the city, for the purpose of making some necessary reparations in the walls and bridges of the town. It was toward the end of the year 1632 that the event I am going to relate happened. The king, being informed of the impost which the governor had laid upon the fruit, ordered him to be brought in chains to court. The king ordered him to be exposed to the people at one of the gates of the palace: then he commanded the son to pluck

off the mustaches of his father, to cut off his nose and ears, to put out his eyes, and then cut off his head. The king then told the son to go and take possession of the government of his father, saying, *See that you govern better than this deceased dog, or thy doom shall be a death more exquisitely tormenting.*"

My lords, you are struck with horror, I am struck with horror, at this punishment. I do not relate it to approve of such a barbarous act; but to prove to your lordships that whatever power the princes of that country have, they are jealous of it to such a degree, that, if any of their governors should levy a tax, even the most insignificant, and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the severity of it shows how little of their power the princes of that country mean to delegate to their servants, the whole of which the gentleman at your bar says was delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understood is a custom admitted throughout Asia in all their governments. It was of a person who was raised to a high office; no business was suffered to come before him without a previous present. "One morning, the king being at this time on a hunting party, the nazar came to the tent of the king, but was denied entrance by the *meter*, or master of the wardrobe. About the same time the king came forth, and seeing the nazar, commanded his officers to take off the bonnet from the head of that dog, that took gifts from his people; and that he should sit three days bareheaded in the heat of the sun, and as many nights in the air. Afterward he caused him to be chained about the neck and arms, and

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condemned him to perpetual imprisonment, with a maumoudy a day for his maintenance; but he died for grief within eight days after he was put in prison."

Do I mean, by reading this to your lordships, to express or intimate an approbation either of the cruelty of the punishment or of the coarse barbarism of the language? Neither one nor the other. I produce it to your lordships to prove to you from this dreadful example the horror which that government felt when any person subject to it assumed to himself a privilege to receive presents. The cruelty and severity exercised by these princes is not levelled at the poor unfortunate people who complain at their gates, but, to use their own barbarous expression, *to dogs that impose taxes and take presents*.—God forbid I should use that language! The people, when they complain, are not called dogs and sent away, but the governors, who do these things against the people, they are called dogs, and treated in that cruel manner. I quote them to show that no governors in the East, upon any principle of their constitution, or any good practice of their government, can lay arbitrary imposts or receive presents. When they escape it is probably by bribery, by corruption, by creating factions for themselves in the seraglio, in the country, in the army, in the divan. But how they escape such punishments is not my business to inquire; it is enough for me that the constitution disavows them, that the princes of the country disavow them; that they revile them with the most horrible expressions, and inflict dreadful punishments on them, when they are called to answer for these offences.

Thus much concerning the Mohammedan laws of Asia. That the people of Asia have no laws, rights, or liberty,

is a doctrine that wickedly is to be disseminated through this country. But I again assert, every Mohammedan government is by its principles a government of law.

I shall now state, from what is known of the government of India, that it does not and cannot delegate (as Mr. Hastings has frequently declared) the whole of its powers and authority to him. If they are absolute, as they must be in the supreme power, they ought to be arbitrary in none; they were, however, never absolute in any of their subordinate parts, and I will prove it by the known provincial constitutions of Hindustan, which are all Mohammedan, the laws of which are as clear, as explicit, and as learned as ours.

The first foundation of their law is the Koran. The next part is the *Fetva*, or adjudged cases by proper authority, well known there. The next, the written interpretations of the principles of jurisprudence; and their books are as numerous upon the principles of jurisprudence as in any country in Europe. The next part of their law is what they call the *Kanon*, that is, a positive rule equivalent to acts of Parliament, the law of the several powers of the country, taken from the Greek word *KANON*, which was brought into their country, and is well known. The next is the *Rage ul Mulk*, or common law and custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be administered to the people upon these principles.

The next thing is to show, that in India there is a partition of the powers of the government, which proves that there is no absolute power delegated.



In every province the first person is the soubahdar or nazim, or viceroy: he has the power of the sword, and the administration of criminal justice only. Then there is the dewan, or high steward; he has the revenue, and all exchequer causes under him, to be governed according to the law, and custom, and institutions of the kingdom.

The law of inheritances, successions, and everything that relates to them, is under the cadî, in whose court these matters are tried. But this too was subdivided. The cadî could not judge, but by the advice of his assessors. Properly in the Mohammedan law there is no appeal, only a removal of the cause; but when there is no judgment, as none can be when the court is not unanimous, it goes to the general assembly of all the men of the law.

There are, I will venture to any, other divisions and subdivisions; for there are the kanongoes, who hold their places for life, to be the conservators of the canons, customs, and good usages of the country; all these, as well as the cadî and the mufti, hold their places and situations, not during the wanton pleasure of the prince, but on permanent and fixed terms, for life. All these powers of magistracy, revenue, and law, are all different, consequently not delegated in the whole to any one person. This is the provincial constitution, and these the laws, of Bengal, which proves, if there were no other proof, by the division of the functions and authorities, that the supreme power of the state in the Mogul empire did by no means delegate to any of its officers the supreme power in its fulness. Whether or no we have delegated to Mr. Hastings the supreme power of king and Parliament, that he should act with the plenitude of authority of the British legislature, you are to judge.

Mr. Hastings has no refuge here. Let him run from law to law; let him fly from the common law and the sacred institutions of the country in which he was born; let him fly from acts of Parliament, from which his power originated; let him plead his ignorance of them, or fly in the face of them. Will he fly to the Mohammedan law?—that condemns him. Will he fly to the high magistracy of Asia to defend taking of presents? Pad Sha and the sultan would condemn him to a cruel death. Will he fly to the sophis, to the laws of Persia, or to the practice of those monarchs? I cannot utter the pains, the tortures, that would be inflicted on him, if he were to govern there as he has done in a British province! Let him fly where he will, from law to law;—law (I thank God!) meets him everywhere, and enforced too by the practice of the most impious tyrants, which he quotes as if it would justify his conduct. I would as willingly have him tried by the law of the Koran, or the Institutes of Tamerlane, as on the common law or statute law of this kingdom.

The next question is, whether the Gentoo laws justify arbitrary power; and if he finds any sanctuary there, let him take it, with the cow, in the pagoda. The Gentoos have a law, which positively proscribes in magistrates any idea of will—a law with which, or rather with extracts of it, that gentleman himself has furnished us. These people in many points are governed by their own ancient written law, called the *Shaster*. Its interpreters and judges are the *pundits*. This law is comprehensive, extending to all the concerns of life, affording principles, and maxims, and legal theories, applicable to all cases, drawn from the sources of natural equity, modified by their institutions, full of refinement and subtilty of distinc-

tion equal to that of any other law, and has the grand test of all law, that, wherever it has prevailed, the country has been populous, flourishing, and happy.

Upon the whole, then, follow him where you will—let him have eastern or western law, you find everywhere arbitrary power and peculation of governors proscribed and horribly punished—more so than I should ever wish to punish any, the most guilty, human creature. And if this be the case, as I hope and trust it has been proved to your lordships, that there is law in these countries, that there is no delegation of power which exempts a governor from the law, then I say at any rate a British governor is to answer for his conduct, and cannot be justified by wicked examples and profligate practices.

But another thing which he says is, that he was left to himself to govern himself by his own practice: that is to say, when he had taken one bribe, he might take another; when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily, and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers; at last he comes to his own. Now, if your lordships will try him by such maxims and principles, he is certainly clear; for there is no manner of doubt that there is nothing he has practiced once which he has not practiced again; and then the repetition of crimes becomes the means of his indemnity.

The next pleas he urges are not so much in bar of the impeachment as in extenuation. The first are to be laid by as claims to be made on motion for arrest of judgment, the others as an extenuation or mitigation of his fine. He says, and with a kind of triumph, the Ministry of this

country have great legal assistance; commercial lights of the greatest commercial city in the world; the greatest generals and officers to guide and direct them in military affairs: whereas I, poor man, was sent almost a schoolboy from England, or at least little better—sent to find my way in that new world as well as I could. I had no men of the law, no legal assistance to supply my deficiencies. *At Sphingem habebas domi.* Had he not the chief-justice, the tamed and domesticated chief-justice, who waited on him like a familiar spirit, whom he takes from province to province, his amanuensis at home, his postilion and riding express abroad?

Such a declaration would in some measure suit persons who had acted much otherwise than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be a humble, modest, unpresuming ignorance—an ignorance which may have made him lax and timid in the exercise of his duty; but an assuming, rash, presumptuous, confident, daring, desperate, and disobedient ignorance heightens every crime that it accompanies. Mr. Hastings, if through ignorance he left some of the Company's orders unexecuted because he did not understand them, might well say, *I was an ignorant man, and these things were above my capacity.* But when he understands them, and when he declares he will not obey them positively and dogmatically—when he says, as he has said, and we shall prove it, *that he never succeeds better than when he acts in an utter defiance of those orders,* and sets at naught the laws of his country—I believe this will not be thought the language of an ignorant man. But I beg your lordships' pardon; it is the language of an ignorant man; for no man, who was not full of a bold, determined,

profligate ignorance, could ever think of such a system of defence. He quitted Westminster School almost a boy. We have reason to regret that he did not finish his education in that noble seminary, which has given so many luminaries to the Church, and ornaments to the State. Greatly it is to be lamented that he did not go to those universities [where arbitrary power will, I hope, never be heard of; but the true principles of religion, of liberty, and law, will ever be inculcated], instead of studying in the school of Cossim Ally Khan.

If he had lived with us, he would have quoted the examples of Cicero in his government; he would have quoted several of the sacred and holy Prophets, and made *them* his example. His want of learning, profane as well as sacred, reduces him to the necessity of appealing to every name and authority of barbarism, tyranny, and usurpation that are to be found; and from these he says, *from the practice of one part of Asia or other I have taken my rule*. But your lordships will show him that in Asia, as well as in Europe, the same law of nations prevails; the same principles are continually resorted to; and the same maxims sacredly held and strenuously maintained; and, however disobeyed, no man suffers from the breach of them, who does not know how and where to complain of that breach—that Asia is enlightened in that respect as well as Europe; but, if it were totally blinded, that England would send out governors to teach them better; and that he must justify himself to the piety, the truth, the faith of England; and not by having recourse to the crimes and criminals of other countries, to the barbarous tyranny of Asia, or any other part of the world.

I will go further with Mr. Hastings, and admit, that if

there be a boy in the fourth form of Westminster School, or any school in England, who does not know, when these articles are read to him, that he has been guilty of gross and enormous crimes, he may have the shelter of his present plea, as far as it will serve him. There is none of us, thank God, so uninstructed, who has learned his catechisms or the first elements of Christianity, who does not know that such conduct is not to be justified, and least of all by examples.

There is another topic he takes up more seriously, and as a general rebutter to the charge—says he, “After a great many of these practices with which I am charged, Parliament appointed me to my trust and consequently has acquitted me.” Has it, my lords? I am bold to say that the Commons are wholly guiltless of this charge. I will admit, if Parliament on a full state of his offences before them, and full examination of those offences, had appointed him to the government, that then the people of India and England would have just reason to exclaim against so flagitious a proceeding. A sense of propriety and decorum might have restrained us from prosecuting. They might have been restrained by some sort of decorum from pursuing him criminally. But the Commons stand before your lordships without shame. First, in their name we solemnly assure your lordships that we had not in our parliamentary capacity (and most of us—myself, I can say surely—heard very little, and that in confused rumors) the slightest knowledge of any one of the acts charged upon this criminal at either of the times of his being appointed to office; and that we were not guilty of the nefarious acts of collusion and flagitious breach of trust with which he presumes obliquely to charge us; but from

the moment we knew them, we never ceased to condemn them by reports, by votes, by resolutions; and that we admonished, and declared it to be the duty of the court of directors to take measures for his recall; and when frustrated in the way known to that court, we then proceeded to an inquiry. Your lordships know whether you were better informed. We are, therefore, neither guilty of the precedent crime of colluding with the criminal, nor the subsequent indecorum of prosecuting what we had virtually and practically approved.

Secondly; several of his worst crimes have been committed since the last parliamentary renewal of his trust, as appears by the dates in the charge.

But I believe, my lords, the judges—judges to others, grave and weighty counsellors and assistants to your lordships—will not on reference assert to your lordships, which God forbid, and we cannot conceive, or hardly state in argument, if but for argument, that if one of the judges had received bribes before his appointment to a higher judiciary office, he would not still be open to prosecution.

So far from admitting it as a plea in bar, we charge, and we hope your lordships will find it an extreme aggravation of his offences, that no favors heaped upon him could make him grateful, no renewed and repeated trusts could make him faithful and honest.

We have now gone through most of the general topics.

But—he is not responsible, as being thanked by the court of directors. He has had the thanks and approbation of the India Company for his services. We know too well here, I trust the world knows, and you will always assert, that a pardon from the crown is not pleadable

here, that it cannot bar the impeachment of the Commons; much less a pardon of the East India Company, though it may involve them in guilt, which might induce us to punish them for such a pardon. If any corporation by collusion with criminals refuse to do their duty in coercing them, the magistrates are answerable.

It is the use, virtue, and efficacy of parliamentary judicial procedure, that it puts an end to this dominion of faction, intrigue, cabal, and clandestine intelligences. The acts of men are put to their proper test, and the works of darkness tried in the face of day—not the corrupted opinions of others on them, but their own intrinsic merits. We charge it as his crime, that he bribed the court of directors to thank him for what they had condemned as breaches of his duty.

The East India Company, it is true, have thanked him. They ought not to have done it; and it is a reflection upon their character that they did it. But the directors praise him in the gross, after having condemned each act in detail. His actions are *all*, every one, censured one by one as they arise. I do not recollect any one transaction, few there are I am sure, in the whole body of that succession of crimes now brought before you for your judgment, in which the India Company have not censured him. Nay, in one instance he pleads their censure in bar of this trial; for he says, "In that censure I have already received my punishment." If, for any other reasons, they come and say, "We thank you, sir, for all your services:" To that I answer yes; and *I* would thank him for his services, too, if I knew them. But *I* do not—perhaps *they* do. Let them thank him for those services. I am ordered to prosecute him for these crimes. Here,



therefore, we are on a balance with the India Company; and your lordships may perhaps think it some addition to his crimes, that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, particular censure and reprobation of every one of those acts for which he now stands accused.

He says there is the testimony of Indian princes in his favor. But do we not know how seals are obtained in that country? do we not know how those princes are imposed upon? do we not know the subjection and thralldom in which they are held, and that they are obliged to return thanks for the sufferings which they have felt? I believe your lordships will think that there is not, with regard to some of these princes, a more dreadful thing that can be said of them, than that he has obtained their thanks.

I understand he has obtained the thanks of the miserable princesses of Oude, whom he has cruelly imprisoned, whose treasure he has seized, and whose eunuchs he has tortured.<sup>1</sup>

They thank him for going away. They thank him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyrics, provided he never came again among them, he might have them. I understand that Mahdajee Scindia has made his panegyric too. Mahdajee Scindia has not made his panegyric for nothing; for, if your lordships will suffer him to enter into such a justification, we shall prove that he has sacrificed the dignity of this country, and the interests

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<sup>1</sup> A Latin sentence, which was quoted here, is omitted in the MS. of the shorthand writer.

of all its allies, to that prince. We appear here neither with panegyric nor with satire; it is for substantial crimes we bring him before you, and among others for cruelly using persons of the highest rank and consideration in India; and, when we prove he has cruelly injured them, you will think the panegyrics either gross forgeries or most miserable aggravations of his offences, since they show the abject and dreadful state into which he has driven those people. For, let it be proved that I have cruelly robbed and maltreated any persons, if I produce a certificate from them of my good behavior, would it not be a corroborative proof of the terror into which those persons are thrown by my misconduct?

My lords, these are, I believe, the general grounds of our charge—I have now closed completely, and I hope to your lordships' satisfaction, the whole body of history of which I wished to put your lordships in possession. I do not mean that many of your lordships may not have known it more perfectly by your own previous inquiries; but bringing to your remembrance the state of the circumstances of the persons with whom he acted, the persons and power he has abused—I have gone to the principles he maintains, the precedents he quotes, the laws and authorities which he refuses to abide by, and those on which he relies, and at last I have refuted all those pleas in bar, on which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or on the corruption of some persons in it. And here I close what I had to say upon this subject, wishing and hoping that when I open before your lordships the case more particularly, so as to state rather a plan of the proceeding, than the direct proof of the crimes, your lordships

will hear me with the same goodness and indulgence I have hitherto experienced; that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial; but from the sense I feel, that it is the most difficult and the most complicated cause that was ever brought before any human tribunal. Therefore I was resolved to bring the whole substantially before you. And now, if your lordships will permit me, I will state the method of my future proceeding, and the future proceeding of the gentlemen assisting me.

I mean first to bring before you the crimes as they are classed and are of the same species and genus; and how they mutually arose from one another. I shall first show, that Mr. Hastings' crimes had root in that which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vicious system; that he showed it in setting to sale the native government of the country; in setting to sale the whole landed interest of the country; in setting to sale the British government and his own fellow servants, to the basest and wickedest of mankind. I shall then show your lordships, that when, in consequence of such a body of corruption and peculation, he justly dreaded the indignation of his country, and the vengeance of its laws, in order to raise himself a faction, embodied by the same guilt, and rewarded in the same manner, he has with a most abandoned profusion thrown away the revenues of the country to form such a faction here.

I shall next show your lordships, that, having exhausted the resources of the Company, and brought it to extreme difficulties within, he has looked to his *external* resources,

as he calls them. He has gone up into the country. I will show that he has plundered, or attempted to plunder, every person dependent upon, connected, or allied with this country.

We shall afterward show what infinite mischief has followed in the case of Benares, upon which he first laid his hands; next, in the case of the Begums of Oude.

We shall then lay before you the profligate system by which he endeavored to oppress that country, first by residents, next by spies under the name of British agents; and lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country; that him he endeavored to torture and destroy—I do not mean in his body, but by exhausting the treasures which he kept for the benefit of his people.

In short, having shown your lordships that no man, who is in his power, is safe from his arbitrary will; that no man, within or without, friend, ally, rival, has been safe from him; having brought it to this point—if I am not able in my own person immediately to go up into the country, and show the ramifications of the system (I hope and trust I shall be spared to take my part in pursuing him through both, if I am not), I shall go at least to the root of it; and some other gentleman, with a thousand times more ability than I possess, will take up each separate part in its proper order. And I believe it is proposed by the managers, that one of them shall, as soon as possible, begin with the affair of Benares.

The point I now mean first to bring before your lordships is the corruption of Mr. Hastings, his system of speculation and bribery; and to show your lordships the

horrible consequences which resulted from it: for, at first sight, bribery and peculation do not seem to be so horrid a matter; they may seem to be only the transferring a little money out of one pocket into another; but I shall show that by such a system of bribery the country is undone.

I shall inform your lordships in the best manner I can, and afterward submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice which is the security for all the other justice in the kingdom.

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FIFTH DAY, FEBRUARY 17, 1768

**M**Y LORDS—The gentlemen who are appointed by the Commons to manage this prosecution have directed me to inform your lordships that they have very carefully and attentively weighed the magnitude of the subject which they bring before you, with the time which the nature and circumstances of affairs allow for their conducting it.

My lords, on that comparison they are very apprehensive that if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do, as all men must do who would manage their affairs practicably, to make our opinion of what might be most advantageous to the business conform to the time that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes: and

therefore, my lords, I very willingly fall in with the inclinations of the gentlemen with whom I have the honor to act, to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India; to bring before your lordships the direct articles; to apply the evidence to the articles, and to bring the matter forward for your lordships' decision in that manner which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My lords, these are the opinions of those with whom I have the honor to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find that in the opinion of others it might militate against the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governor of Bengal—to show their mutual bearings—how they were mutually aided and grew and were formed out of each other. I proposed first of all to show your lordships that they have their root in that which is the origin of all evil, avarice and rapacity—to show how that led to prodigality of the public money—and how prodigality of the public money, by wasting the treasures of the East India Company, furnished an excuse to the Governor-General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependencies of the Company. But I shall be obliged in some measure to abridge this plan; and as your lordships already possess, from what I had the honor to state on Saturday,

a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My lords, I have to state to-day the root of all these misdemeanors—namely, the pecuniary corruption and avarice which gave rise and primary motion to all the rest of the delinquencies charged to be committed by the Governor-General.

My lords, pecuniary corruption forms not only, as your lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption. I will venture to say, there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, *arbitrary power*. My lords, if Mr. Hastings had contended, as other men have often done, that the system of government which he patronizes, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a system. Something might be said to qualify the act from the intention; but it is singular in this man, that at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences. Mr. Hastings foresaw that the consequences of this system was corruption. An arbitrary system indeed must always

be a corrupt one. My lords, there never was a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world; for there never was a man, I believe, who contended for arbitrary power (and there have been persons wicked and foolish enough to contend for it), that did not pretend, either that the system was good in itself, or that by their conduct they had mitigated or had purified it; and that the poison by passing through their constitution had acquired salutary properties. But if you look at his defence before the House of Commons, you will see that that very system upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing that is remarkable and singular in the principles upon which the Governor-General acted, is, that when he is engaged in a vicious system, which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course; they have said, I have been engaged in an evil system, that led indeed to mischievous consequences, but I have taken care by my own virtues to prevent the evils of the system under which I acted.

We say then, not only that he governed arbitrarily, but corruptly, that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of



giving and receiving them. We wish your lordships distinctly to consider, that he did not only give and receive bribes accidentally, as it happened, without any system and design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings' government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing which distinguishes this nation eminently above another, it is that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them than to any similar offices in any part of the globe, or that have existed at any time; so that he who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things undoubtedly in crimes which make them frightful and odious; but bribery, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent people, this is what makes government itself base, contemptible, and odious in the eyes of mankind.

My lords, it is certain that even tyranny itself may find some specious color, and appear as more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous

piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country, only to promote its ultimate advantage and his own glory. But in the principles of that governor who makes nothing but money his object there can be nothing of this. There are here none of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings' merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing; or by a wise and incorrupt administration of justice? No.—Has he enlarged the boundary of our government? No; there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done—money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money; it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, anything like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money; but afterward there was no mixture at all—it

was, during Mr. Hastings' time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense, you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend that it was obtained from their zeal and affection to our cause, or that it made their submission more complete; very far from it. He says, they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings—pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the legislature itself has been upon those merits and demerits of money.

My lords, the Company, knowing that these money transactions were likely to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers under any name or description, except those things which were publicly and openly taken for the use of the Company, namely, *territories* or *sums of money* which might be obtained by treaty. They distin-

guished such presents as were taken from any persons privately and unknown to them, and without their authority, from subsidies; and that this is the true nature and construction of their order, I shall contend, and explain afterward of your lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties, by which sums of money may be received, yet they forbid their servants, their governors, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain marked simple sum of money, and this not without the consent and permission of the presidency to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants refused at first to execute them, and suspended the execution of them till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination that the covenants were executed; and they were not executed then without some degree of force. Soon afterward the treaty was made with the country powers, by which Shuja ul Dowla was re-established in the province of Oude, and paid a sum of £500,000 to the Company for it. It was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to put an end to all those examples. The Company did expressly vest him with

that power. They declared at that time that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them; and these in their turn enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things that distinguished his character. But in his defence we have him quite in another character, no longer the frugal, attentive servant bred to business, bred to bookkeeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say, that they know better than he does what his affairs are. He is not like a careful man, bred in a counting-house, and by the directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was then on account of an idea of his great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your lordships the nature of the covenants which the East India Company sent out. Afterward, when they found their servants had refused to execute these covenants, they not only severely repre-

hended even a moment's delay, in their execution and threatened the exacting the most strict and rigorous performance of them, but they sent a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognizing the grievance, and without ordering that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must; for persons at the head of government should not encourage that by example which they ought by precept, authority, and force to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of Parliament took it up: and that act, which gave Mr. Hastings power, did mold in the very first stamina of his power this principle in words the most clear and forcible that an act of Parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance, but your lordships will see in the reports of that time that Parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences that followed it.

Now, my lords, every office of trust in its very nature forbids the receipt of bribes. But Mr. Hastings was forbidden it, first by his official situation, next by covenant, and lastly by act of Parliament—that is to say, by all the things that bind mankind, or that can bind them—first, moral obligation inherent in the duty of their office; next, the positive injunctions of the legislature of the country; and lastly, a man's own private particular, voluntary act

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and covenant. These three, the great and only obligations that bind mankind, all united in the focus of this single point—that they should take no presents.

I am to mark to your lordships, that this law and this covenant did consider indirect ways of taking presents—taking them by others, and such like—directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way, because it adds to the crime a false, prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, and it is one of the general complaints of Mr. Hastings, that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct.

But when a governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct. If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governors, we know very well, cannot with their own hands be continually receiving bribes; for then they must

have as many hands as one of the idols in an Indian temple, in order to receive all the bribes which a governor-general may receive; but they have them vicariously. As there are many offices, so he has had various officers, for receiving and distributing his bribes; he has had a great many, some white and some black agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments; they have not the same liberty and boldness of language which characterize Europeans; and they have fears too for themselves, which makes it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country; no two of them hardly appear to be in the secret of any one bribe. He has had likewise his white agents—they were necessary—a Mr. Larkins and a Mr. Crofts. Mr. Crofts was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others that should have had anything to do with bribes, yet these were some of his agents in bribery. There are few instances in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times—that one part was committed to one black secretary, another part to another black secretary. So that it is almost impossible to make up a complete body of all his bribery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.



The first act of his government in Bengal was the most bold and extraordinary that I believe ever entered into the head of any man—I will say, of any tyrant. It was no more or less than a general (almost exceptless) confiscation, in time of profound peace, of all the landed property in Bengal upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended public, in reality to a private corrupt, auction; and such favored landholders as came to it were obliged to consider themselves as not any longer proprietors of the estates, but to recognize themselves as farmers under government; and even those few that were permitted to remain on their estates had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers-general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your lordships that the revenues of Bengal are for the most part territorial revenues, great quit rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest which we shall have to lay before you, shall be brought before your lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption which guided Mr. Hastings' conduct.

When the ancient nobility, the great princes (for such I may call them), a nobility perhaps as ancient as that of your lordships (and a more truly noble body never existed in that character), my lords, when all the nobility, some

of whom have borne the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, that is, either given to themselves to hold on the footing of farmers, or totally confiscated; when such an act of tyranny was done, no doubt some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea which always accompanies his acts of oppression, the idea of *moneyed merit*. He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly he set them up to this wild and wicked auction, as it would have been if it had been a real one—corrupt and treacherous as it was. He set these lands up for the purpose of making that discovery, and pretended that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found that there was a defalcation from these monstrous raised revenues, which were to cancel in the minds of the directors the wickedness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years, what do you think was the failure?—No less than £2,050,000. Then a new source of corruption was opened, that is, how to deal with the balances: for every man who had engaged in these transactions was a debtor to government, and the remission of that debt depended upon the discretion of the Governor-General. Then the persons who were to settle the composition of that immense debt, who were to see how much was recoverable, and how much not, were able to favor, or to exact to the last shilling; and there never existed a doubt, but

that not only upon the original cruel exaction, but upon the remission afterward, immense gains were derived. This will account for the manner in which those stupendous fortunes, which astonish the world, have been made. They have been made—first, by a tyrannous exaction from the people who were suffered to remain in possession of their own land as farmers, then by setting the rest to farmers at rents and under hopes which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it some sort of appearance of public good, that is to say, that sort of public good which Mr. Hastings so often professed, of ruining the country for the benefit of the Company; yet in fact this business of balances is that *nidus* in which have been nuzzled and bred and born all the corruptions of India—first, by making extravagant demands, and afterward by making corrupt relaxations of them.

Besides this monstrous failure in consequence of a miserable exaction, by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your lordships come to inquire who the farmers-general of the revenue were, you would naturally expect to find them to be the men in the several countries who had the most interest, the greatest wealth, the best knowledge of the revenue and resources of the country in which they lived. These would be thought the natural, proper farmers-general of each district. No such thing, my lords. They are found in the body of the people whom I have mentioned to your lordships. They were almost all let to Calcutta banyans.

Calcutta banyans were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his banyan directly, or some other black persons to represent him. But some have so managed the affair, that when you inquire who the farmer is—Was such a one farmer?—No. Cantoo Baboo?—No. Another?—No. At last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zemindars were dispossessed, the country racked and ruined, for the benefit of a European under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the banyans, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your lordships are too grave, wise, and discerning, to make it necessary for me to say more upon that subject. Tell me that the banyans of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your lordships for whose benefit they were farmers.

But there is one of these, who comes so nearly, indeed so precisely, within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings' name with any knowledge of Indian connections, has heard of his banyan Cantoo Baboo. This man is well known in the records of the Company, as his agent for

receiving secret gifts, confiscations, and presents. You would have imagined that he would at least have kept *him* out of these farms in order to give the measure a color at least of disinterestedness, and to show that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governor-General and council made an ostensible order, by which no collector or person concerned in the revenue should have any connection with these farms. This order did not include the Governor-General in the words of it, but more than included him in the spirit of it; because his power to protect a farmer-general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banyan. You find him the farmer of great, of vast and extensive farms.

Another regulation that was made on that occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid £10,000 a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banyan, finding himself bolder, broke the second too, and, instead of £10,000, gave him farms paying a revenue of £130,000 a year to government. Men undoubtedly have been known to be under the dominion of their domestics: such things have happened to great men; they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know that a domestic who has served you in a near office long, and in your opinion faithfully, does become a kind of relation: it brings on a great

affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindu servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated<sup>d</sup> with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings' connection with Cantoo Baboo had been but of a year's standing: he had before served in that capacity Mr. Sykes, who recommended him to Mr. Hastings. Your lordships then are to judge, whether such outrageous violations of all the principles by which Mr. Hastings pretended to be guided in the settlement of these farms were for the benefit of this old, decayed, affectionate servant of one year's standing; your lordships will judge of that.

I have here spoken only of the beginning of a great notorious system of corruption, which branched out so many ways, and into such a variety of abuses, and has afflicted that kingdom with such horrible evils from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the charge that is now before you; as I believe I need not tell your lordships that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act but every consequential act, with most grievous and terrible consequences.

My lords, I will now come to a scene of peculation of another kind; namely, a peculation by the direct sale of offices of justice; by the direct sale of the successions of families; by the sale of guardianships, and trusts, held most sacred among the people of India; by the sale of them, not as before to farmers, not, as you might imagine, to near relations of the families, but a sale of them to the unfaithful servants of those families—their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the government, had been the cause of those debts. Those very servants were put in power over their estates, their persons, and their families by Mr. Hastings for a shameful price. It will be proved to your lordships in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have; that is, in the case of those vackiels (as they call them), agents or attorneys, who had been sent to assert and support the rights of their miserable masters before the council-general. It will be proved that these vackiels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of guardianships and other sacred trusts, the selling masters to their servants, and principals to the attorneys they employed to defend themselves, were all parts of the same system; and these were the horrid ways in which he received bribes beyond any common rate.

When Mr. Hastings was appointed, in the year 1778, to be Governor-General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Fran-

cis, the Company, knowing the former corrupt state of their service (but the whole corrupt system of Mr. Hastings at that time not being known, or even suspected at home), did order them, in discharge of the spirit of the act of Parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your lordships are to know that the act did expressly authorize the court of directors to frame a body of instructions, and to give orders to their new servants, appointed under the act of Parliament, lest it should be supposed that they, by their appointment under the act, could supersede the authority of the directors.

The directors sensible of the power left in them over their servants by the act of Parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order.

The council consisted of two parties: Mr. Hastings and Mr. Barwell, who were chosen and kept there, upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say that those three gentlemen did so execute their duty in India, in all the substantial parts of it, that they will serve as a shield to cover the honor of England, whenever this country is upbraided in India.

They found a rumor running through the country of great peculations and oppressions. Soon after, when it was known what their instructions were, and that the council was ready, as is the first duty of all governors, even when there is no express order, to receive complaints against the oppressions and corruptions of gov-



ernment in any part of it—they found such a body (and that body shall be produced to your lordships) of corruption and peculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavoring to bring these corruptions before the public, or that he would at least have acted with some little management in his opposition. But alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of corruption, in which the most eminent figure in the crowd, the principal figure, as it were, in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoobaboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen who were visible, too, I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority directly against the majority of the council, directly against his colleagues, directly against the authority of the East India Company, and the authority of the act of Parliament, to put a dead stop to all these inquiries. He broke up the council the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his

power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your lordships have heard that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar, who had the management of revenues amounting to £150,000 a year, and who had, if really inclined to play the small game with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character which would at least justify the council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions. He was, therefore, perfectly competent to it. Mr. Hastings has cleared his character; for though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance as an accuser, yet before this he has given this testimony of him, that the hatred that had been drawn upon him, and the general obloquy of the English nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed nor have I the least occasion to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him

be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know, associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. He was not only competent, but the most competent of all men to be Mr. Hastings' accuser. But Mr. Hastings has himself established both his character and his competency, by employing him against Mahomed Reza Khan. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahomed Reza Khan, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance, the moment he became accuser against Mr. Hastings? Such was the accuser. He was the man that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable, either on account of the subject-matter or the actor in it? Does such an appointment as that of Munny Begum, in the most barefaced evasion of his orders, appear to your lordships a matter that contains no just presumptions of guilt? so that when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper, that no man could attribute it to an improper motive? And as to the man, is Mr. Hastings a man against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it

into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why therefore should it be held improbable?—But I cannot mention this proceeding without shame and horror.

My lords, when this man appeared as the accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person who, in one of those sales of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been, cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterward came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes amounting together to about £40,000 sterling, given by himself, on his own account and that of Munny Begum. The charge was accompanied with every particular, which could facilitate proof or detection, time, place, persons, species, to whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies, and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the council, commands his banyan not to attend. The council, however, goes on, examines to the bottom, and resolves that the charge was proved, and that the money ought to go to the Company.

Mr. Hastings then broke up the council, I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt; for a man may use a legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued, till he commenced a criminal prosecution against this man—this man, whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavored to go round, to come upon his flanks and rear, but never to meet him in the face upon the ground of his accusation, as he was bound by the express authority of law and the express injunctions of the directors to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime—a violation of the orders of the court of directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters (putting the corrupt motive out of the question), I charge him for this disobedience, and especially on account of the principles upon which he proceeded in it.

Then he took another step; he accused Nundcomar of a conspiracy, which was a way he then and ever since has used whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history, that the legislature, not trusting entirely to the Governor-General and council, had sent out a court of justice to be a counter-security against these corruptions, and to detect and punish any such misde-

meanors as might appear. And this court, I take for granted, has done great services.

Mr. Hastings flew to this court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods which must indispensably be used for the purpose of detecting their guilt; he flew to this court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterward live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge he knew that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man whom he, Nundcomar, had turned out of doors, called Mohun Persaud. Mr. Hastings had seen papers put upon the board charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings' associate in plotting his ruin, was now again brought forward as the principal evidence against him. I will not enter (God forbid I should) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connection between Mr. Hastings and the chief justice, which we shall prove. We shall prove that one of the witnesses who appeared there was a person who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find, what is very odd, that in this trial for forgery, with

which this man stood charged, forgery in a private transaction, all the persons who were witnesses, or parties to it, had been, before or since, the particular friends of Mr. Hastings—in short, persons from that rabble with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone—hanged justly if you please; and that it did so happen luckily for Mr. Hastings—it so happened that the relief of Mr. Hastings and the justice of the court, and the resolution never to relax its rigor, did all concur just at a happy nick of time and moment; and Mr. Hastings accordingly had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers—namely, one of his accomplices in guilty actions; one of those persons who may have a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes; and that Mr. Hastings was proved afterward to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries; they went on at their usual rate, neither more nor less. But it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes that no man in India complains of him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only

defeated but totally vitiated and reversed all the ends for which this country, to its eternal and indelible dishonor, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means by which *he* was removed, a part of the charge was not strangled with him. While the process against Nundcomar was carrying on before Sir Elijah Impey, the process was continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum, to the amount of £15,000, was proved against him; and that a sum, to the same amount, was to be paid to his associate, Mr. Middleton, as it was proved at Calcutta, so it will be proved at your lordships' bar to your entire satisfaction, by records and living testimony now in England. It was indeed obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of £200 sterling a day, while he remained at Moorshedabad. My lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly, I hope, render it clear to your lordships that it was not paid in this manner as a daily allowance, but given in a gross sum. But, take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances it was a horrible aggravation of his crime. The first thing that strikes is that visits from Mr. Hastings are pretty severe things; and hospitality at Moorshedabad is an expensive



virtue, though for provision it is one of the cheapest countries in the universe. No wonder that Mr. Hastings lengthened his visit, and made it extend to near three months. Such hosts and such guests cannot be soon parted. Two hundred pounds a day for a visit! it is at the rate of £73,000 a year for himself; and as I find his companion was put on the same allowance, it will be £146,000 a year for hospitality to two English gentlemen.

I believe that there is not a prince in Europe who goes to such expensive hospitality of splendor. But, that you may judge of the true nature of this hospitality of corruption, I must bring before you the business of the visitor and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing.

He was then at the old capital of Bengal, at the time of this expensive entertainment, on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings' account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that from the collected morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility he gorged his ravenous maw with £200 a day for his entertainment. In the course of all this proceeding your lordships will not fail to observe, he is never corrupt, but he is cruel: he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he

devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living struggling prey: he is a vulture, who feeds upon the prostrate, the dying, and the dead. As his cruelty is more shocking than his corruption, so his hypocrisy has something more frightful than his cruelty. For while his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm, that bleeds from wounded humanity, into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragic entertainment, this feast of Tantalus. The few left on the pension list, the poor remnants that had escaped, were they paid by his administratrix and deputy Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows of the greatest and most splendid houses of Bengal, came before the council, praying in the most deplorable manner for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr. Francis—men who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy—did, in conformity to the strict orders of the directors, appoint Mahomed Reza Khan to his old offices—that is, to the general superintendency of the household and the administration of justice—a person who by his authority might keep some order in the ruling family and in the state. The court of directors authorized them to assure those offices to him, with a salary reduced indeed to £30,000 a year, during his good behavior. But Mr. Hast-

ings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the court of directors, in spite of the public faith solemnly pledged to Mahomed Reza Khan, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing-girl, Munny Begum, once more to the viceroyalty and all its attendant honors and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive innocence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the viceroyalty. He distributed Mahomed Reza Khan's salary as a spoil.

When the orders of the court to restore Mahomed Reza Khan, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the public faith for his continuance, were received, Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen, uncomplying mood he continues, until, to gratify Mr. Francis in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the court of directors. He grants to his arrangement of convenience what he had refused

to his duty and replaces that magistrate. But mark the double character of the man, never true to anything but fraud and duplicity. At the same time that he publicly replaces this magistrate, pretending compliance with his colleague and obedience to his masters, he did, in defiance of his own and the public faith, privately send an assurance to the Nabob, that is to Munny Begum, informing her that he was compelled by necessity to the present arrangement in favor of Mahomed Reza Khan; but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption: and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khan from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of resident, a creature of his personal favor, Sir J. Doiley, from whom there is not one syllable of correspondence, and not one item of account. How grievous this yoke was to that miserable captive appears by a paper of Mr. Hastings, in which he acknowledges that the Nabob had offered, out of the £160,000 payable to him yearly, to give up to the Company no less than £40,000 a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your lordships are furnished with a standard by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended residency, and its predatory effects. It will give full credit to what was generally rumored and believed, that substantially and beneficially

the Nabob never received £50 out of the £160,000; which will account for his known poverty and wretchedness, and that of all about him.

Thus by his corrupt traffic of bribes with one scandalous woman he disgraced and enfeebled the native Mohammedan government, captured the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practiced by the Governor-General, but to all of which he has since been guilty. This will furnish your lordships with some general idea, which will enable you to judge of the bribe for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khan Jehan Khan, and the modes he took to frustrate all inquiry on that subject upon a wicked and false pretence, that according to his religious scruples he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature, of these crimes, and the means taken to elude their discovery. I am now giving your lordships that general view, which may serve to characterize Mr. Hastings' administration in all the other parts of it.

It was not true, in fact (as Mr. Hastings gives out), that there was nothing now against him, and that when he had got rid of Nundcomar and his charge he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterward from every part of the province; and there was no

office in the execution of justice which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very council—he sat at the head of that council and that board where his peculations were proved against him. These were afterward transmitted, and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, this man is justly taken away, who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid, let us now go into the inquiry. I think he did very ill not to go into the inquiry when the man was alive; but be it so, that he was afraid of him and waited till he was removed, why not afterward go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum—of having received from her, or her adopted son, a bribe of £40,000.

Is it fit for a governor to say—will Mr. Hastings say before this august assembly—I may be accused in a court of justice, I am upon my defence; let all charges remain against me, I will not give you an account? Is it fit that a gover-

nor should sit with recorded bribery upon him at the head of a public board and the government of a great kingdom, when it is in his power by inquiry to do it away? No; the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him that not only did he suppress the inquiry to the best of his power (and it shall be proved), but he did not in any one instance endeavor to clear off that imputation and reproach from the English government. He went further, he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next to put it to the proof; and lastly to let inquiry freely go on. He did not permit this, but stopped it all in his power. I am to mention some exceptions perhaps hereafter, which will tend to fortify the principle tenfold.

He promised indeed the court of directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all, of them. A man may say, I am threatened with a suit in a court, and it may be very disadvantageous to me if I disclose my defence. That is a proper answer for a man in common life, who has no particular character to sustain; but is that a proper answer

for a governor accused of bribery? that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say, I am upon the defensive? I am on my guard? I will give you no satisfaction? I have promised it, but I have already deferred it for seven or eight years? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers; and as good events do not come alone (I think there is some such proverb), it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; so new evidence came in; and Mr. Hastings enjoyed that happy repose which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous, firm mind often to despise common, vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man—much less a great man—to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the au-



thority of an act of Parliament, under every sanction of public faith, yet in consequence of those charges every person concerned in them has been, as your lordships will see, since his restoration to power, absolutely undone; brought from the highest situation to the lowest misery; so that they may have good reason to repent they ever trusted an English council, that they ever trusted a court of directors, that they ever trusted an English act of Parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that by never taking a single step to defeat or detect the falsehood of any of those charges against him, and by punishing the authors of them, he has been guilty of such a subversion of all the principles of British government as will deserve and will, I dare say, meet your lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history, as if pages were torn out. No longer we meet with the same activity in taking money that was before found; not even a trace of complimentary presents is to be found in the records during the time while General Clavering, Colonel Monson, and Mr. Francis formed the majority of the council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, speculation began again just at the same instant; the moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his speculation again.

My lords, at this time very serious inquiries had begun in the House of Commons concerning speculation. They

did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governors there. There was, however, a universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved then to change the whole course and order of his proceeding. Nothing could persuade him upon any account to lay aside his system of bribery; that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it, and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have already mentioned, namely, the deputy-treasurer and the accountant, paying them in and taking bonds for them as money of his own, and bearing legal interest.

This was his method of endeavoring to conceal some at least of his bribes (for I would not suggest, nor have your lordships to think, that I believe that these were his only bribes; for there is reason to think there was an infinite number besides); but it did so happen that they were those bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a parliamentary inquiry.

Mr. Hastings said he might have concealed them forever. Every one knows the facility of concealing corrupt transactions everywhere, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion. For he tells you in his letter from Cheltenham that he *would* have concealed the Nabob's £100,000, but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony; Middleton knew nothing of it; Anderson knew nothing of it. It was not directly communicated to the faithful Larkins or the trusty Croftes—which proves indeed the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes which I have hitherto brought before your lordships belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it.

There are many other bribes which we charge him with having received during this first period, before an improving conversation and close virtuous connection with great lawyers had taught him how to practice bribes in such a manner as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency in guilt; it is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the public accounts, was this:—From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew that a few of his former bribes had been discovered, declared, recorded; that for the moment indeed he was secure, because all informers had been punished, and all concealers rewarded. He expected hourly a total change in the council; and that men like Clavering and Monson might be again joined to

Francis; that some great avenger should arise from their ashes—"Exoriare aliquis nostris ex ossibus ultor"—and that a more severe investigation and an infinitely more full display would be made of his robbery than hitherto had been done. He therefore began in the agony of his guilt to cast about for some device by which he might continue his offence, if possible, with impunity—and possibly make a merit of it. He therefore first carefully perused the act of Parliament forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an act was studiously and carefully framed to prevent bribery, it is that law of the thirteenth of the king, which, he well observes, admits no latitude of construction, no subterfuge, no escape, no evasion. Yet has he found a defence of his crimes even in the very provisions which were made for their prevention and their punishment. Besides the penalty which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands which held them. The covenant, with an exception of £100, and the act of Parliament without an exception, declared that the Governor-General and council should receive no presents *for their own use*. He therefore concluded that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation that they should be privately applied to the Company's service, in any way the briber should think fit; and that on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private

bribe exchequer, collateral with, and independent of, the Company's public exchequer, though in some cases administered by those whom for his purposes he had placed in the regular official department. It is no wonder that he has taken to himself an extraordinary degree of merit. For surely such an invention of finance I believe never was heard of—an exchequer wherein extortion was the assessor, fraud the cashier, confusion the accountant, concealment the reporter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into frenzy, could ever have dreamed of.

He treats the official and regular directors with just contempt, as a parcel of mean, mechanical bookkeepers. He is an eccentric bookkeeper, a Pindaric accountant. I have heard of "the poet's eye in a fine frenzy rolling." Here was a revenue, exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for or not at his discretion, and to be applied to what service he thought proper. I do believe your lordships stand astonished at this scheme; and indeed I should be very loth to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with the directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard of and unexampled in the world, I shall first endeavor to account, as well as I can, for his motives to it, which your lordships will re-

ceive or reject, just as you shall find them tally with the evidence before you. I say his motives to it, because I contend that public valid reasons for it he could have none: and the idea of making the corruption of the Governor-General a resource to the Company never did or could for a moment enter into his thoughts.—I shall then take notice of the juridical constructions upon which he justifies his acting in this extraordinary manner.—And, lastly, show you the concealments, prevarications, and falsehoods, with which he endeavors to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors that there were certain sums of money he had received, and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found that no money could be legally received for his own use; but as these bribes were directly given and received as for his own use, yet (says he) there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them.

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was accused

as a peculator; he did not deny the fact; he did not refund the money; he fought it off; he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption—a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded—the effect of subtilty. He appears no longer as a defendant; he holds himself up with a firm, dignified, and erect countenance, and says, I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No, I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government.

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horror, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality, and speculation are offences of turpitude, such as in a governor at once debase the person and degrade the government itself, making it not only *horrible* but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt he comes here not as a criminal on his defence, but as a vast fertile genius, who has made astonishing discoveries in the art of government—"Dicam insigne, recens, alio indictum ore"—who, by his flaming zeal and the prolific ardor and energy of his mind, has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he gen-

erously communicates, for the benefit of all future governors and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but if we do not take good care he will not be the last, that has established the corruption of the supreme magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit that ever was made in the treasury of Bengal. He claims glory and renown from that by which every other person since the beginning of time has been dishonored and disgraced. It has been said of an ambassador that he is a person employed to tell lies for the advantage of the court that sends him. His is patriotic bribery and public-spirited corruption. He is a peculator for the good of his country. It has been said that private vices are public benefits. He goes the full length of that position, and turns his private peculation into a public good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail; he steals, he filches, he plunders, he oppresses, he exhorts—all for the good of the dear East India Company—all for the advantage of his honored masters, the proprietors—all in gratitude to the dear perfidious court of directors, who have been in a practice to heap “insults on his person, slanders on his character, and indignities on his station; who never had the confidence in him that they had in the meanest of his predecessors.”

If you sanction this practice, if, after all you have exacted from the people by your taxes and public imposts, you are to let loose your servants upon them to extort by bribery and peculation what they can from them, for the



purpose of applying it to the public service only whenever they please, this shocking consequence will follow from it. If your governor is discovered in taking a bribe, he will say, What is that to you? mind your business; I intend it for the public service. The man who dares to accuse him loses the favor of the Governor-General and the India Company. They will say, the governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him. So that the moment the bribe is detected it is instantly turned into a merit; and we shall prove that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your lordships that, when he made these great discoveries to the court of directors, he never tells them who gave him the money; upon what occasion he received it; by what hands; or to what purposes he applied it.

When he can himself give no account of his motives, and even declares that he cannot assign any cause, I am authorized and required to find motives for him—corrupt motives for a corrupt act. There is no one capital act of his administration that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errors, or even crimes, of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption that every other irregular act, by which unlawful gain may arise, is done upon the same corrupt

motive. *Semel malus præsumitur semper malus.* As for good acts, candor, charity, justice, oblige me not to assign evil motives, unless they serve some scandalous purpose, or terminate in some manifest evil end—so justice, reason and common-sense compel me to suppose that wicked acts have been done upon motives correspondent to their nature. Otherwise I reverse all the principles of judgment which can guide the human mind, and accept even the symptoms, the marks, and criteria of guilt, as presumptions of innocence. One that confounds good and evil is an enemy to the good.

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational thing; it distorts all the faculties of the mind, it perverts them, it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt, as all those who are used to sit in the seat of judgment know have been the cause of detection of half the villanies in the world. To argue that these could not be his reasons, because they were not wise, sound, and substantial, would be to suppose, what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives, which may affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft, and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational and well-fitted for their purposes, I am very ready to admit. For God forbid that guilt should ever leave a man the free, undisturbed use of his faculties. For as guilt never rose from a true use of our rational faculties, so it is very frequently sub-

versive of them. God forbid that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices. No; it takes the lead, and is never found where justice does not accompany it; and, if ever it is attempted to bring it into the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place I am to remark to your lordships that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one want more reason, to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcilable with each other. He is asked, How came you to take bonds for this money if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to state yourself a lender to the Company, when, in reality, you was their debtor? His answer was, I really cannot tell; I have forgot my reasons; the distance of time is so great (namely, a time of about two years, or not so long), I cannot give an account of the matter; perhaps I had this motive; perhaps I had another (but what is the most curious); perhaps I had none at all which I can now recollect. You shall hear the account which Mr. Hastings himself gives, his own fraudulent representation of these corrupt transactions. "For my motives for withholding the several receipts from the knowledge of the council or of the court of directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to

the honorable the court of directors of the 22d of May, 1782, namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory, at that distance of time, could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

My lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company—gentle hints, *gemitus columbæ*—rather little amorous complaints that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India, the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and

which was to be sanctified by the future application of it, taking false securities to cover it; and who, when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India, nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption, and speculation. My lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the country under contribution, to bring the whole into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown among the mass of his corruptions, that he let the whole of the lands to farm to the banyans. Next, that he sold the whole Mohammedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change, in 1772, I am to tell your lordships that he had appointed six provincial councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These provincial councils accounted to the Governor-General and council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr. Hastings did in several papers to the court of directors declare that the establishment of these provincial councils, which at first he stated only as experimental, had proved useful in the experiment. And on that use,

and upon that experiment, he had sent even the plan of an act of Parliament, to have it confirmed with the last and most sacred authority of this country. The court of directors desired, that, if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid, some time before this period, by death, of General Clavering; by death, of Colonel Monson; and by vexation and persecution, and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole council; and if ever there was a time when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the court of directors, that was the time. Mr. Wheler was taken off, despair perhaps rendering the man, who had been in opposition futilely before, compliant. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances, which rendered it atrocious in Mr. Hastings to make any change, induced him to make this.—He thought that a moment's time was not to be lost—that other colleagues might come where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved—your lordships will remark the whole of this most daring and systematic plan of bribery and peculation—he resolved to put it out of the power of his council in future to check or control him in any of his evil practices.

The first thing he did was to form an ostensible council at Calcutta for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the supreme council. He delegated to them—that is, to four covenanted servants—those functions which, by act of Parliament and the Company's orders, were to be exercised by the council general; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd that one of the first acts of a Governor-General, so jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprising the court of directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those who died in India or those who afterward returned to Europe in one day, in a moment to annihilate the whole authority of the provincial councils, and delegate the whole power to these four gentlemen. These four gentlemen had for their secretary an agent given them by Mr. Hastings; a name that you will often hear of—a name at the sound of which all India turns pale—the most wicked, the most atrocious, the boldest, the most dexterous villain that ever the rank servitude of that country has produced. My lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person that ever differed on this occasion, or expressed any other idea of Gunga Govin Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear

from the account given by themselves what the council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was. I beg, hope, and trust, that your lordships will learn from the persons themselves who were appointed to execute the office their opinion of the real execution of it, in order that you may judge of the plan for which he destroyed the whole English administration in India. "The committee must have a dewan, or executive officer, call him by what name you please. This man in fact has all the revenue paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of practicing both undetected.

"To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Your lordships see what the opinion of the council was of their own constitution. You see for what it was made. You see for what purposes the great revenue-trust was taken from the council general, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterward five, who was the most active efficient member of it. You see it was made for the purpose of being a tool in the



hands of Gunga Govin Sing; that integrity, ability, and vigilance could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practice bribery with impunity. Thus, your lordships see, the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govin Sing. The screen, the veil spread before this transaction, is torn open by the very people themselves who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govin Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed, and four gentlemen are appointed to be his tools and instruments.—Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability, to lay the whole country under contribution; that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head that he well fulfilled the purposes for which he was appointed. Did Mr. Hastings pretend to say, that he destroyed the provincial councils for their corruptness or insufficiency, when he dissolved them? No; he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govin Sing. Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all

these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of £62,000 a year upon the establishment. But for great, eminent, capital services, £62,000, though a much larger sum than what was thought fit to be allowed for the members of the supreme council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings that these pensions, though they created a new burden on the establishment, were all well disposed, provided the council did their duty. But you have heard what they say themselves—they are not there put to do any duty, they can do no duty; their abilities, their integrity avail them nothing—they are tools in the hands of Gunga Govin Sing. Mr. Hastings then has loaded the revenue with £62,000 a year, to make Gunga Govin Sing master of the kingdom of Bengal, Bahar, and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools for Gunga Govin Sing, have cost £62,000 a year to the Company? There it is—it is not my representation—not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now, did Mr. Hastings employ Gunga Govin Sing without a knowledge of his character? His character was known to Mr. Hastings; it was recorded long before, when he was turned out of another office. During my long residence, says he, in this country, this is the first time I heard of the character of Gunga Govin Sing

being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govin Sing. I have no intimate knowledge of Gunga Govin Sing. What I understood of his character has been from Europeans as well as natives. After—"He had many enemies at the time he was proposed to be employed in the Company's service, and not *one advocate* among the natives who had immediate access to myself. I think, therefore, if his character had been such as has been described, the knowledge of it could hardly have failed to have been ascertained to me by the *specific* facts. I have heard him loaded, as I have many others, with general reproaches, but have never heard any one express a doubt of *his abilities*."

Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was not able to contradict the charge brought against him; and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the directors—for malversation in office. He had, indeed, crept again into the Calcutta committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning out the whole committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a

bad character and evil repute, though supposed to be a man of great abilities.

My lords, permit me for one moment to drop my representative character here, and to speak to your lordships only as a man of some experience in the world, and conversant with the affairs of men, and with the characters of men.

I do then declare my conviction, and wish it may stand recorded to posterity, that there never was a *bad man* that had ability for *good service*. It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction—they are paralytic on that side—the muscles, if I may use the expression, that ought to move it are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? In such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the committee and the council general, and of the revenues of the whole country?

As soon as we find Gunga Govin Sing here, we find him employed in the way in which he was meant to be employed; that is to say, we find him employed in taking

corrupt bribes and corrupt presents for Mr. Hastings. Though the committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. Indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe-broker, has pretty well authenticated a secret correspondence between them. For the next great bribe as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of £40,000, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govin Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe confidants, and by him made accountant-general to the supreme presidency. For this sum, so clandestinely and corruptly taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the court of directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own bribes; and accordingly Mr. Larkins sent over an account of various bribes; an account which, even before it comes directly in evidence before you, it will be pleasant to your lordships to read. In this account, under the head *Dinagapore, No. 1*, I find, "Duplicate copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honorable Company of Merchants trading to the East Indies were received by Mr. Hastings, and paid to

the sub-treasurer." We find here, *Dinagapore peshcush*, *four lacs of rupees—cabuleat*, that is, an agreement to pay four lacs of rupees, of which three were received, and one remained in balance at the time this account was made out. All that we can learn from this account, after all our researches, after all the court of directors could do to squeeze it out of him, is—that he received from Dinagapore, at twelve monthly payments, a sum of about three lacs of rupees, upon an engagement to pay him four—that is, he received about £90,000 out of £40,000 which was to be paid him; and we are told that he received this sum through the hands of Gunga Govin Sing; and that he was exceedingly angry with Gunga Govin Sing for having kept back or defrauded him of the sum of £10,000 out of the £40,000. To keep back from him the fourth part of the whole bribe was very reprehensible behavior in Gunga Govin Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity. My lords, this letter tells us Mr. Hastings was much irritated at Gunga Govin Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated for their frauds upon him in their joint concerns. In the meantime Gunga Govin Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honorable trust of bribe-undertaker and manager.

My lords, you are not very much enlightened, I believe, by seeing these words *Dinagapore peshcush*. We find a province, we find a sum of money, we find an agent, and we find a receiver. The *province* is *Dinagapore*, the *agent* is *Gunga Govin Sing*, the *sum* agreed on is £40,000, and the *receiver* of a part of that is *Mr.*

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*Hastings.* This is all that can be seen. Who it was that gave this sum of money to Mr. Hastings in this manner does no way appear—it is *murder by persons unknown*; and this is the way in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company, and the public, has left the account of this bribe.

Let us, however, now see what was the state of transactions at Dinagapore at that period. For if Mr. Hastings, in the transactions at that period, did anything for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagapore.

Dinagapore, Rungpore, and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included; it is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagapore.

I find that, about the month of July, 1780, the Rajah of Dinagapore after a long and lingering illness died, leaving a half brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the Governor-General in council—being the ultimate authority to which the decision of all these questions was to be referred. This cause came before Mr.

Hastings, and I find that he decided the question in favor of the adopted son of the Rajah against his half brother. I find that upon that decision a rent was settled, and a peshcush, or fine, paid.—So that all that is in this transaction is fair and above-board; there is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking part in favor of the minor, agreeably to the principles of others, and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Rannee, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find that, when the steward of the province of Dinagopore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If then the £40,000 be the same with the money taken from the Rajah in 1780, to which account it seems to refer (for it was taken in regular payments, beginning July, 1780, and ending at the same period in 1781), it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of £40,000 for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your lordships will observe, through Gunga Govin Sing. He was the broker of the agreement; he was the person who was to receive it by



monthly instalments, and he was to pay it to Mr. Hastings.—His son was in the office of register-general of the whole country, who had in his custody all the papers, documents, and everything which could tend to settle a litigation among the parties.

If Mr. Hastings took this bribe from the Rajah of Dinagopore, he took a bribe from an infant of five years old through the hands of the register. That is, the judge receives a bribe through the hands of the keeper of the genealogies of the family, the records, and other documents, which must have had the principal share in settling the question.

This history of this Dinagopore peshcush is the public one received by the Company, and which is entered upon the record—but not the private, and probably the true, history of this corrupt transaction.

Very soon after this decision, very soon after this peshcush was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govin Sing, by the very man who received the peshcush for Mr. Hastings. We find them all turned out of their employments: we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly to prevent the relations of his adopted mother—to prevent those who might be supposed to have an immediate interest in the family—from abusing the trust of his education, and the trust of the management of his fortune, Gunga Govin Sing—(for I trust your lordships would not suffer me, if I had a mind, to quote that tool of a thing

the committee of revenue, bought at £62,000 a year, you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govin Sing)—this Gunga Govin Sing produces soon after another character, to whom he consigns the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govin Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by and by, called Debi Sing. This person, in the universal opinion of all Bengal, is ranked next to Gunga Govin Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

Arcades ambo,  
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world; these rivals were reconciled on this occasion, and Gunga Govin Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because like champions they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is—to cut off 1,000 out of 1,600 a month from his allowance. They state (though there was a great number of dependants to maintain) that 600 would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household; in short, that there never was such

a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over this poor Rajah, who had just given, if he did give, £40,000 for *his own* inheritance, if it was his due—for the inheritance of *others*, if it was not his due. One would think he was entitled to some mercy; but probably, because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship, who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No; they were turned out without any such examination; and when I come to inquire into the proceedings of Gunga Govin Sing's committee, I do not find that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah.

There is not one word to be found of an account: Debi Sing's honor, fidelity, and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah, as a bribe in judgment, or whether Mr. Hastings

got it from Debi Sing, as a bribe in office, for appointing him to the guardianship of a family that did not belong to him, and for the dominion of three great and once wealthy provinces—which is best or worst I shall not pretend to determine. You find the Rajah in his possession. You find his education, his household in his possession. The public revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new committee of revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings' money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered, that it was in reality a bargain secretly struck between the Governor-General and Debi Sing; and that the committee were only employed in the mere official forms. From the time that Mr. Hastings new modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true grantor was; it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your lordships who Debi Sing is.

[*Mr. Burke read the committee's recommendation of Debi Sing to the Governor-General and council; but the copy of the paper alluded to is wanting.*]

. . . . .

X Here is a choice; here is Debi Sing presented for his knowledge in business, his trust and fidelity; and that he is a person against whom no objection can be made. This

is presented to Mr. Hastings, by him recorded in the council books, and by him transmitted to the court of directors. Mr. Hastings has since recorded that he knew this Debi Sing (though he here publicly authorizes the nomination of him to all that great body of trusts), that he knew him to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Debi Sing is appointed to all those great trusts through the means of Gunga Govin Sing, from whom he (Mr. Hastings) had received £80,000 as a part of a bribe.

Now though it is a large field, though it is a thing that, I must confess, I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences that followed from a system of bribery, such the horrible consequences of superseding all the persons in office in the country, to give it into the hands of Debi Sing, that though it is the public opinion, and though no man that has ever heard the name of Debi Sing does not know that he was only second to Gunga Govin Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepts him as a person against whom no exception could be made.

It is necessary to inform your lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that in this sort of corrupt and venal appointment to high trust and office, Mr. Hastings has no other consideration than the money he received. But whosoever thinks so will be deceived. Mr. Hastings was very far from indifferent to the character of the persons he dealt with. On the con-

trary, he made a most careful selection; he had a very scrupulous regard to the aptitude of the men for the purposes for which he employed them; and was much guided by his experience of their conduct in those offices which had been sold to them upon former occasions.

Except Gunga Govin Sing (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence), there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject; not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those who in the early stages of the English power in Bengal attached himself to those natives who then stood high in office. He courted Mahomed Reza Khan, a Mussulman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity of which those who possess no valuable art or useful talent are commonly complete masters. Possessing large funds acquired by his apprenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought down by Mr. Hastings, under the orders of the court of directors, upon a cruel charge to Calcutta. He was accused of many crimes, and acquitted £220,000 in

debt. That is to say, as soon as he was a great debtor he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khan, a person of a character very different from his.

From that connection he was appointed to the farm of the revenue, and inclusively of the government of Purnea, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigor and industry, that in a very short time the province was half depopulated, and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffic from Calcutta. But when the new undertakers came to survey the object of their future operations and future profits, they were so shocked at the hideous and squalid scenes of misery and desolation that glared upon them in every quarter that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of £12,000, to be released from their engagements.

To give in a few words as clear an idea as I am able to give of the immense volume which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purnea, which had been let to Debi Sing at the rate of £160,000 sterling a year, was with difficulty leased for a yearly sum under £90,000; and with all rigor of exaction produced in effect little more than £60,000, falling greatly below one half of its original estimate.—So entirely did the administration of Debi Sing exhaust all the resources of the prov-

ince; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamor. It was impossible that it should be passed over without animadversion. Accordingly, in the month of September, 1772, Mr. Hastings, then at the head of the committee of circuit, removed him for maladministration; and he has since publicly declared on record, that he knew him to be capable of all the most horrid and atrocious crimes that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd; to identify him for his own; and to call him forth into action when his virtues should be sufficiently matured for the services in which he afterward employed him through his instruments, Mr. Anderson and Gunga Govin Sing. In the meantime he left Debi Sing to the direction of his own good genius.

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings in the year 1773, by which provincial councils were formed, Debi Sing became deputy steward, or secretary (soon in effect and influence principal steward), to the provincial council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of 120 lacs of rupees, or £1,500,000. This division of provincial council included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources as subsequently to get possession of them.



Debi Sing found this administration composed mostly of young men dissipated and fond of pleasure, as is usual at that time of life; but desirous of reconciling those pleasures which usually consume wealth with the means of making a great and speedy fortune; at once eager candidates for opulence, and perfect novices in all the roads that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country raised by a tax more productive than laudable. It is an imposition on public prostitutes, a duty upon the societies of dancing girls; those seminaries from which Mr. Hastings has selected an administrator of justice and governor of kingdoms. Debi Sing thought it expedient to farm this tax; not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly, in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiors; ladies recommended not only by personal merit, but, according to the Eastern custom, by sweet and enticing names which he had given them. For, if they were to be translated, they would sound—Riches of my Life; Wealth of my Soul; Treasure of Perfection; Diamond of Splendor; Pearl of Price; Ruby of Pure Blood, and other metaphorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments with which he regaled his council.

In these festivities, while his guests were engaged with the seductions of beauty, the intoxications of the most delicious wines of France, and the voluptuous vapor of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated, and was purveyor to, their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governors.

For you are to understand that in many things we are very much misinformed with regard to the true seat of power in India. While we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble; to whom the far greater part of the English, who figured in employment and station, had from their earliest youth been slaves and instruments. Banyans had anticipated the period of their power in premature advances of money, and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, vari-

ous trusts in the revenue; sometimes openly appearing, sometimes hid two or three deep in false names; emerging into light, or shrouding himself in darkness, as successful or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds committed by him in another name, by which he became deeply in balance to the revenue, he was publicly whipped by *proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But, as he rose in Mr. Hastings' opinion, he fell in that of his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the provincial council emerged from their first dependence; and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait, and crisis of his power, the artist turned himself into all shapes. He offered great sums individually; he offered them collectively; and at last put a *carte blanche* on the table—All to no purpose! What, are you stones?—Have I not men to deal with?—Will flesh and blood refuse me?

When Debi Sing found that the council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence that these offers would be well received; and that he should at once be revenged of the council, and obtain all the ends which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers; sold his fellow-servants of the Company, entitled by every duty to his protection; sold English subjects, recommended by every tie of national

sympathy; sold the honor of the British government itself; without charge, without complaint, without allegation of crime in conduct, or of insufficiency in talents; he sold them to the most known and abandoned character which the rank servitude of that clime produces. For *him*, he entirely broke and quashed the council of Moorsshedabad, which had been the settled government for twelve years (a long period in the changeful history of India), at a time, too, when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errors.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow-room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence to which he was reduced during the usurped dominion of honor and integrity.

It was not enough that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe brokerage he united the two great rivals in iniquity, who before, from an emulation of crimes, were enemies to each other, Gunga Govin Sing and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three provinces of Dinagapore, Edrackpore, and Rungpore; territories making together a tract of land superior in dimensions to the northern counties of England, Yorkshire included.

To prevent anything which might prove an obstacle on the full swing of his genius, he removed all the restraints which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a dewan, had been established in the provinces, expressly as a check on the person who should act as farmer-general. This office he conferred along with that of farmer-general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man whom he had before recorded as the destroyer of Purnea, and capable of every the most atrocious wickedness that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those whose example he followed, is covered with a pretended increase of revenue to the Company. Mr. Hastings would not pocket his bribe of £40,000 for himself, without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object to which I mean in this instance to confine your attention, £7,000 a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant, so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the landholder and husbandman. But as Mr. Hastings' bribe of a far greater sum was not guarded by any such

provision, it was left to the discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where, as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his covenant, you may easily believe that Debi Sing had not a more correct memory; and, accordingly, as soon as he came into the province he instantly broke every covenant which he had entered into, as a restraint on his avarice, rapacity, and tyranny, which, from the highest of the nobility and gentry to the lowest husbandman, were afterwards exercised, with a stern and unrelenting impartiality, upon the whole people. For notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison; and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent which they knew they could never realize.

Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand; until exhausted by these oppressions they were brought to the extremity to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those that pay revenue. The others are of the nature of demesne lands, which are free and pay no rent to government. The latter are for the immediate support of the zemindars and

their families, as from the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered, and sold for the most trifling consideration. The rent-free lands, the best and richest lands of the whole province, were sold—sold for—what do your lordships think?—They were sold for less than one year's purchase—at less than one year's purchase, at the most underrated value; so that the fee-simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale on such terms strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money which he had extorted from the miserable venders.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about £7,000 sterling a year (but according to the rate of money and living in that country equivalent to a rental in England of £80,000 a year); and then having raised in the new letting, as on the sale he had fraudently reduced, those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands thus sold for next to nothing, left of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes, next carried off the goods. There is a circumstance attending this business, which will call for your lordships' pity. Most of the landholders or zemin-

dars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom very cautiously used in all good governments there of employing female bailiffs, or sergeants, in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, nothing being left but what was daily threatened, their life and honor. The landholders, even women of eminent rank and condition, for such the greater part of the zemindars then were, fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection and without bread. The monthly instalment of Mr. Hastings' bribe was become due, and his rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors made to support infirmity and decrepitude, to give feet to the lame and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud, where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for



all the substantial sufferings of their lives—even the very feeble consolations of death were by the same rigid hand of tyranny, a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, seized and taken to make good the honor of corruption, and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious, spared?—Alas! as their situation was far more helpless, their oppression was infinitely more sore and grievous—the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your lordships some idea of the condition of those who were served up to satisfy Mr. Hastings' hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who, according to the modes of that country, had starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge, in these very words:

“It is notorious,” says he, “that poverty generally prevails among the husbandmen of Rungpore, more perhaps than in any other parts of the country. They are seldom possessed of any property except at the time they reap their harvest; and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthenware, and their houses only a handful of straw, the sale of a *thousand* of which would not perhaps produce twenty shillings.”

These were the opulent people from whose superfluities Mr. Hastings was to obtain a gift of £40,000 over and above a large increase of rent, over and above the exactions by which the farmer must reimburse himself for the advance of the money, by which he must obtain the natural profit of the farm, as well as supply the peculium of his own avarice.

Therefore your lordships will not be surprised at the consequences. All this unhappy race of little farmers and tillers of the soil were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this there was no mode of extortion which the inventive imagination of rapacity could contrive that was not contrived and was not put in practice. On its own day your lordships will hear with astonishment, detestation, and horror, the detail of these tyrannous inventions; and it will appear that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent on which they were piled.

The country being in many parts left wholly waste, and in all parts considerably depopulated by the first rigors, the full rate of the district was exacted from the miserable survivors. Their burdens were increased as their fellow-laborers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments, beyond all possible calculation, previous to receipts and above their means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to

those whose substance was still more precarious (to the natural hardness and austerity of that race of men), had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and pen-cash paid to Mr. Hastings? five, ten, twenty, forty per cent? No! at an interest of six hundred per cent per annum, payable by the day! A tiller of land to pay six hundred per cent to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly, the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged, and suffocated, the price of grain fell to the fifth part of its usual value. The crop was then gone, but the debt remained. A universal treasury-extent, and process of execution, followed on the cattle and stock, and was enforced, with more or less rigor, in every quarter. We have it in evidence that in these sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burned down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation that those who have the fewest of

all other worldly enjoyments are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries; everything visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to learn moderation from the ill success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty; which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury, and malice (implacable because unprovoked) recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes of which beasts are incapable and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under-tyrants knew

that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my lords, began such a scene of cruelties and tortures as I believe no history has ever presented to the indignation of the world; such as I am sure in the most barbarous ages no politic tyranny, no fanatic persecution, has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryotts both of Rungpore and Dinagapore for non-payment were in many instances of such a nature that I would rather wish to draw a veil over them, than shock your feelings by the detail; but that, however disagreeable the task may be to myself, it is absolutely necessary for the sake of justice, humanity, and the honor of government, that they should be exposed, to be prevented in future."

My lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and forever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more

than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your lordships, and all this auditory, and all this country have begun every day for these fifteen years at their expense. To these beneficent hands, that labor for our benefit, the return of the British government has been cords, and hammers, and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to heaven against their oppressors? Then, what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate, and thus endeavor to secure ourselves from, the vengeance which these mashed and disabled hands may pull down upon us. My lords, it is an awful consideration. Let us think of it.

But to pursue this melancholy but necessary detail. I am next to open to your lordships, what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates, and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downward over a bar, beat them on the soles of the feet with ratans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until the blood gushed out at their eyes, mouths, and noses.

Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same, who had suffered as I have stated) they

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applied, instead of ratan and bamboo, whips made of the branches of the bale tree—a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges.

For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of nature for whatever is most unfriendly to man, they made rods of a plant highly caustic and poisonous, called *bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself.

At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable—they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and while their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the remnants of compassion and courage, not subdued in those who had reason to fear that their own turn of torment would be next, that they

should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison; whipped, as before, at their return to the dungeon; and at morning whipped at their leaving it; and then sent as before to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion—nights of bolts, fetters, and flagellation, succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons whose fortitude could bear their own suffering; there are men who are hardened by their very pains; and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke which did not excruciate the sense, should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses; and in the open court



of justice, in the very place where security was to be sought against all wrong and all violence (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench), these virgins, vainly invoking heaven and earth, in the presence of their parents, and while their shrieks were mingled with the indignant cries and groans of all the people, publicly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were, indeed, hid in the bottoms of the dungeons in which their honor and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the circumstances that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastic sides of cleft bamboos. Here, in my hand, is my authority; for otherwise one would think it incredible. But it did not end here. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire—(I cannot proceed for shame and horror!)—these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious cruelty—there, where the reverence of nature, and the sanctity of justice, dares not to pursue, nor venture to describe their practices.

These, my lords, were sufferings which we feel all in common in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings) things done which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners and the law of opinion contribute more to their happiness and misery than anything in mere sensitive nature can do.

The women thus treated lost their caste. My lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes; each caste born to an invariable rank, rights, and descriptions of employment; so that one caste cannot by any means pass into another. With the Gentoos certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste, that of Brahmin, which is not only noble but sacred, is lost, the person who loses it does not slide down into one lower but reputable—he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him; and if he touches any of his old caste, they are justified in put-

ting him to death. Contagion, leprosy, plague, are not so much shunned. No honest occupation can be followed. He becomes a *Halichore*, if (which is rare) he survives that miserable degradation.

Upon those whom all the shocking catalogue of tortures I have mentioned could not make to flinch, one of the modes of losing caste for Brahmins, and other principal tribes, was practiced. It was, to harness a bullock at the court door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, the instrument according to their ideas of outrage, disgrace, and utter loss of caste, was led through the country; and, as it advanced, the country fled before it. When any Brahmin was seized he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words—"I have suffered this indignity; my caste is lost; my life is a burden to me; I call for justice." He called in vain.

Your lordships will not wonder that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the

avenues of the province, and, making a line of circumvallation, drove back those wretches who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought among the jungles and dens of tigers a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race rose up in a universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighboring provinces, which had been harassed by the same person with the same oppressions. The English chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrors. He called in first irregular, and then regular, troops, who by dreadful and universal military execution got the better of the impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which without law or process, or even the shadow of authority, were ordered by the English revenue chief in that province.

In our Indian government, whatever grievance is borne is denied to exist; and all mute despair, and sullen patience, is construed into content and satisfaction. But this general insurrection, which at every moment threatened

to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English chief in the province, Mr. Goodlad, represented it to Mr. Hastings' revenue committee to be (what it was) the greatest and most serious disturbance that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection; but on the whole judged that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr. Hastings' committee of revenue, while these wounds were yet bleeding, and while a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry, with some sort of appearance of seriousness, into the causes of it. They looked therefore about them carefully, and chose what they judged would be most plausible and least effective. They thought that it was necessary to send a special commissioner into the province; and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle opinions, unconnected with parties: and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colorless, confused report; in which the blame was to be impartially divided between

the sufferer and the oppressor; and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy; and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities: and by this kind of equitable, candid, and judge-like proceeding they hoped the whole complaint would calmly fade away; the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidence of this event from this presumed character, Mr. Hastings' committee in appointing Mr. Paterson their commissioner were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons; not only to inquire and to report, but to decide and to redress.

Such is the imperfection of human wisdom, that the committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the commissioner Paterson concealed a firm, manly, and fixed principle, a deciding intellect, and a feeling heart. My lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of chairman of the committee of supply in the House of Commons, and who is now enjoying repose from his long labors in an honorable age. The son, as soon as he was appointed to this commission, was awed by, and dreaded, the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He, therefore, took out a letter he had from his father, which letter was the preservation of his character, and destruction

of his fortune. This letter he always resorted to in all trying exigencies of his life.

He laid the letter before him, and there was enjoined such a line of integrity, of incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust that was placed in him; and he had not the least reason to doubt of full support in the execution of it; as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact that the Governor-General, under whose delegated authority he was sent, had been bribed by the farmer-general of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things, which could not lie—with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by the exhibition of scattered bands of wild, naked, meagre, half-famished wretches, who rent heaven with their cries and howlings—left him no sort of doubt of the real cause of the late tumults. In his first letters he conveyed his sentiments to the committee with these

memorable words—"In my two reports I have set forth, in a general manner, the oppressions which provoked the ryotts to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen: it was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace; and this not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves what must be the situation of a ryott, when he sees everything he has in the world seized, to answer an exaggerated demand, and sold at so low a price as not to answer one half of that demand: when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste? You, gentlemen, who know the reserve of the natives in whatever concerns their women, and their attachment to their castes, must allow the full effect of these prejudices under such circumstances."

He, however, proceeded with steadiness and method, and in spite of every discouragement which could be thrown in his way by the power, craft, fraud, and corruption of the farmer-general, Debi Sing, by the collusion of the provincial chief, and by the decay of support from his employers, which gradually faded away and forsook him as his occasions for it increased. Under all these and under many more discouragements and difficulties, he made a series of able, clear, and well-digested reports, attended with such evidence as never before, and, I believe,



never will again appear, of the internal provincial administration of Bengal; of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars. By these reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governor Hastings' general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings' system of 1780, in placing this screen of a committee between him and his crimes. The committee had their lesson. While Paterson is left collecting his evidence and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital, where he is received as those who have robbed and desolated provinces, and filled their coffers with £700,000 sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta, and when he had well prepared his committee, in due time Paterson returns, appears, and reports.

Persons even less informed than your lordships are well apprised that all officers representing government, and making in that character an authorized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those who have authorized the inquiry; and it is their duty to put the burden of proof to the contrary on those who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office, prevailed in the committee of Mr. Hastings' devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations in which the parties stood.

This executive board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser, who is to make good his charge at his peril. The farmer-general, whose conduct was not criminally attacked, but appeared as one of the grounds of a public inquiry, is turned into a culprit before a court of justice, against whom everything is to be juridically made out or not admitted: and the members of an executive board, by usurpation and fraud, erect themselves into judges, bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath, by discrediting the whole province, as a set of criminals, who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for

crimes (crimes charged on him, not by the commissioner, but by themselves), and made him a complainant and a witness against him in the stupidest and most improbable of all accusations—namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing; and then the committee, seating this wretch as an assessor at their own board, who a few days before would have trembled like a whipped slave at the look of a European, encouraged him to interrogate their own commissioner.

[Note.—Here Mr. Burke was taken ill, and obliged to sit down. After some time Mr. Burke again addressed the House.]

My lords, I am sorry to break the attention of your lordships in such a way. It is a subject that agitates me. It is long, difficult, and arduous; but with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your lordships that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge which he made out but too much to their satisfaction, they changed their battery.

[Note.—Mr. Burke's illness increased; upon which the House, on the motion of His Royal Highness, the Prince of Wales, adjourned.]

SIXTH DAY, FEBRUARY 29, 1792

**M**Y LORDS—In any great undertaking, a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your lordships' humanity, and your love of justice, have remedied everything, and I therefore proceed with confidence this day.

My lords, I think (to the best of my remembrance) the House adjourned at the period of time in which I was endeavoring to illustrate the mischiefs that happened from Mr. Hastings' throwing off his responsibility by delegating his power to a nominal council, and in reality to a black bad man, a native of the country, of the worst character that could be found in it; and the consequence of it, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India or any other part of the world.

My lords, I stated to you that Mr. Commissioner Paterson was sent into that country. I stated that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress, the grievances which he should find in the country. In short, there was nothing wanting to his power but an honest support. Your lordships will be convinced that the road to fortune was easy to him. Debi Sing for a favorable report would have given a large sum of money. Your lordships will be convinced that the committee would not have received such a report as a proof of bribery. They

would rather consider him as a man whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your lordships, but very faintly, very imperfectly, and far short of my materials. I have stated that the criminal against whom the commissioner had made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasions when he has endeavored to make princes, or persons in the rank and with the attributes of sovereign princes, feel whenever they have incurred his private resentments; that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report under the authority of government to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But, I believe, I stated that he did not long remain in that condition.

I shall now proceed to state to your lordships that this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority that belonged to a personage who had the Governor-General for his *pensioner*. No longer the sneaking tone of apology—no longer the modest allegations that the commissioner was misinformed—he boldly accuses

the representative of English government of forgery in order to destroy him; he criminales and recriminales, and lays about-him without mercy.

Things were now in a proper train—the committee find the cause growing and ripening to their wishes—answers, replies, objections, and interrogatories—accounts opposed to accounts—balances now on the one side, now on the other.—Now debtor becomes creditor, and creditor debtor—until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of public notoriety. They prepared a report for the Governor-General and council, suitable to the whole tenor of their proceedings. Here the man whom they had employed and betrayed appeared in a new character. Observe their course with him—First, he was made a commissioner. Then, he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis—he appears as a culprit before Mr. Hastings, on the accusation of the donor of Mr. Hastings' bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant, is to acknowledge it as a favor to be again suffered to go into the province, without authority, without station, without public character, under the discountenance and frowns, and in a manner under prosecution, of the government. As a favor, he is suffered to go again into Bungpore, in hopes of finding among the dejected, harassed, and enslaved race of Hindus, and in that undone province, men bold enough to stand forward against all temptations of emolument, and at the risk of their lives, with a firm adherence to their original charge; and at a time when they

saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to as a magistrate of high and sacred authority, to hear the complaints and to redress the grievances of a whole people.

A new commission of junior servants was at the same time sent out to review and re-examine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority and without the favor which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country; and, after spending a long time in mere matters of form, found they could not do without a representative of Debi Sing, and accordingly they ordered Debi Sing to send up his vakeel.

I forgot to state to your lordships what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds; one on the matter of his flagitious misconduct at Rungpore, and the other, for a great failure in the payment of his stipulated revenue. Under this double accusation he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common jail of Calcutta, not in the prison of the fort, not in that jail in which Rajah Nundcomar, who had been prime minister of the empire, was confined, but according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of

power, under a free custody. He was put under a guard of sepoy, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those who were to judge him; and having an address which seldom fails, and a dexterity never wanting to a man possessed of £700,000, he converted this guard into a retinue of honor: their bayonets were lowered, their muskets laid aside; they attended him with their side-arms, and many with silver verges in their hand, to mark him out rather as a great magistrate attended by a retinue than a prisoner under guard.

When he was ordered to send a vakeel to defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without him" (and indeed it was not made necessary by the commission that he should be there either by vakeel or otherwise), condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory, than as a man under the load of all those enormous charges which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company (an old servant of the Company is a great man in that country), was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain whom I have the misfortune of being obliged to introduce to your lordships' notice. Mr. Paterson, seeing the effect of the proceeding everywhere,



seeing the minds of the people broken, subdued, and prostrate under it, and that so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners, that this appearance of authority tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The council of Calcutta took this representation into their deliberate consideration; they found that it was true, that if he had such an attendance any longer in this situation (and a large attendance it was, such as the Chancellor of this kingdom, or the Speaker of the House of Commons does not appear with), it would have an evil appearance. On the other hand, say they, "If he should be left under a guard, the people would consider him as under disgrace." They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their muskets, and unfix their bayonets.

The next step of these commissioners is to exclude Mr. Paterson from all their deliberations; and, in order that both parties might be put on an equality, one would naturally conclude that the culprit Debi Sing was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed.

In this situation, Mr. Paterson wrote one of the most pathetic memorials that ever was penned, to the council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue, that brought it upon him. To do

the man justice, he bore the whole of this persecution like a hero. He never tottered in his principles, nor swerved to the right or to the left, from the noble cause of justice and humanity in which he had been engaged; and when your lordships come to see his memorials you will have reason to observe that his abilities are answerable to the dignity of his cause, and make him worthy of everything that he had the honor to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud, and chicanery, which lasted for upward of four years, Paterson remains without employment—the inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress—and the purchaser, Debi Sing, that corrupt, iniquitous, and bloody tyrant, instead of being proceeded against by the committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial on a criminal charge, before a Mohammedan judge—an equal judge, however. The judge was Mahomed Reza Khan, his original patron, and the author of all his fortunes—a judge who depends on him, as a debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honorable acquittal.

I have stated before that I considered Mr. Hastings as responsible for the characters of the people he employed; doubly responsible, if he *knew* them to be bad. I, therefore, charge him with putting in situations in which any evil may be committed, persons of known evil characters.

My lords, I charge him, as chief governor, with destroying the institutions of the country, which were designed to

be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called dewan or steward of the country, had always been placed as a control on the farmer; but that no such control should, in fact, exist—that he, Debi Sing, should be let loose to rapine, slaughter, and plunder in the country, both offices were conferred on him. Did Mr. Hastings vest these offices in him? No; but, if Mr. Hastings had kept firm to the duties which the act of Parliament appointed him to execute, all the revenue appointments must have been made by him; but instead of making them himself he appointed Gunga Govin Sing to make them; and for that appointment, and for the whole train of subordinate villany which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, I say, first, for destroying his own legal capacity, and next, for destroying the legal capacity of the council, not one of whom ever had, or could have, any true knowledge of the state of the country from the moment he buried it in the gulf of mystery and of darkness, under that collected heap of villany, Gunga Govin Sing. From that moment he destroyed the power of government, and put everything into his hands; for this he is answerable.

The provincial councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the public eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business.

And, therefore, Mr. Hastings having destroyed every

check and control above and below—having delivered the whole into the hands of Gunga Govin Sing, for all the iniquities of Gunga Govin Sing he is responsible.

But he did not know Debi Sing, whom he employed. I read yesterday, and trust it is fresh in your lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govin Sing—that is to say, by Gunga Govin Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of £40,000 from some person in power in Dinagapore and Rungpore, the countries which were ravaged in this manner, through the hands of Gunga Govin Sing—through the medium of that very person whom he had appointed to exercise all the authorities of the supreme council above, and of all subordinate councils below. Having, therefore, thus appointed a council of tools in the hands of Gunga Govin Sing, at the expense of £62,000 a year, to supersede all the English provincial authorities—having appointed them for the purpose of establishing a bribe factor-general, a general receiver and agent of bribes, through all that country—Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your lordships will see that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe-

broker, an agent like Gunga Govin Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared, as your lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which, in the common ostensible mode, and under the ordinary forms of government, and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing that a theoretical system is bad is to show the practical mischiefs that it produces; because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory, stated by Mr. Hastings to be productive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this, appears from an extract of the Bengal Revenue Consultations, January 21, 1785, a little before he came away.

Mr. Hastings says, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them: and I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and

to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure; with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system in 1773 to the end of it, when he closed it in 1785; when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down to the Ganges, and even to the sea, and that he never quitted his system of iniquity; but that it survived his political life itself.

One of his last political acts was this:

Your lordships will remember that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while such things were doing, I shall prove: but that is not now my consideration.

The Governor-General's minute, just read, is this, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them" (the accuser, namely, the commissioner). "Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," etc.

Now your lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it, that he is fairly and conscientiously acquitted. But what is Mr. Hastings' account of Rajah Debi Sing? He is presented to him in

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1781 by Gunga Govin Sing, as a person against whose character there could be no exception, and by him accepted in that light. Upon the occasion I have mentioned, Mr. Hastings' opinion of him is this: "I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

Thus your lordships see what Mr. Hastings' opinion of Debi Sing was.—We shall prove it at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no (but we shall prove that bad he was indeed), *even he* could hardly be so bad as he was in the opinion which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock committee, instituted by himself, but in reality entirely managed by Gunga Govin Sing. This Debi Sing was accepted as an unexceptionable man: and yet Mr. Hastings knows both his power of doing mischief, and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings' conduct in destroying those provincial councils, which, as I have already stated, were obliged to book everything, to minute all the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman under pretence of controlling Gunga Govin Sing's agent, appointed for the very purpose of giving him

bribes, in a province where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit.—He leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct! What then could be his business there? Was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a communication between Debi Sing and the committee, and in no other way? Here then we have that English authority which Mr. Hastings left in the country: here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govin Sing: here the destruction of all English inspection. I hope I need say no more to prove to your lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode of collecting the revenue, and supplying the Company's exigencies through Gunga Govin Sing, would be iniquitous upon the face and the statement of it. But when your lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings' destroying these provincial councils, and protecting these persons, must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of



the revenue. For what says Mr. Hastings? I was to have received £40,000 in bribes, and £30,000 was actually applied to the use of the Company. Now I hope I shall demonstrate—if not, it will be by some one abler than me demonstrated in the course of this business—that there never was a bribe received by Mr. Hastings that was not instantly followed with a deficiency in the revenue; this is clear, and what we undertake to prove: and that Debi Sing himself was, at the time Mr. Hastings came away, between £20,000 and £30,000 debtor to the Company. So that in truth you always find a deficiency of revenue nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received; from whence it will be evident that he never could nor did receive them under that absurd and strange idea of a resource to government.

I must restate to your lordships, because I wish you never to forget, that this committee of revenue was, in their own opinion, and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments, mere tools; that they knew that they were tools in the hands of Gunga Govin Sing. There were two persons principal in it, Mr. Shore, who was the acting president, and Mr. Anderson, who was president in rank and president in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, for I must beg leave to read again a part of the paper which has already been read to your lordships, that "the committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Now do you believe, in the first place, that men will long have abilities, will long have good intentions, and

will long, above all, have steady application, when they know they are but tools in the hands of another? when they know they are tools for his own corrupt purposes?

In the next place, I must beg leave to state to you, that on the constitution of this committee Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1778; he bound the committee by a new oath, and forced them to declare that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient—a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr. Hastings put a dewan there, against whom there was no security; he let loose this dewan to frustrate their intentions, their application, their abilities, and oath; that is, there was a person at that board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings; the committee were to be pure with impotent hands; and then came a person with ample power for Mr. Hastings himself. And, lest this person should not have power enough in this committee, he is made the general bribe-broker to Mr. Hastings. This secret undercurrent, as your lordships will see, is to counteract everything, and as fast as one part is rendered pure totally to corrupt all the rest.

But, my lords, this was not the private opinion of Mr. Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was

in a situation to do good, and when not. The other gentleman whom I have mentioned, Mr. Hastings' confidant in everything but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your lordships that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanor, as we have seen him in the House of Commons; it is in that way only I have the honor of knowing him. Mr. Anderson being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the dewan of the committee, his answer was this—"I do not think that I should have written it quite so strong, but I do in a great measure agree to it—that is, I think there is a great deal of truth in the observation; I think, in particular, that it would require great exertion in the committee, and great abilities on the part of the president, to restrain effectually the conduct of the dewan; I think it would be difficult for the committee to interpose a sufficient control to guard against all the abuses of the dewan."

There is the real president of the committee—there the most active, efficient member of it. They are both of one opinion concerning their situation; and, I think, this opinion of Mr. Anderson is still more strong; for as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance that must strike your lordships relative to this institution. It is where the president says that the use of the president would be to exert his best abilities, his greatest application, his constant guard, for what?—to prevent his dewan from being

guilty of bribery, and being guilty of oppressions. So here is an executive constitution, in which the chief executive minister is to be in such a situation, and of such a disposition that the chief employment of the presiding person in the committee is to guard against him, and to prevent his doing mischief. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country; and, without doubt, it would require the greatest ability and diligence in the person at the head of that council to prevent it. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with everything, but he never could part with Gunga Govin Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was Gunga Govin Sing. It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river (I forget whose); his last accents were Gunga, Gunga Govin Sing. It demonstrates the power of friendship.

It is said by some idle, absurd moralists, that friendship is a thing that cannot subsist between bad men; but I will show your lordships the direct contrary; and, after having shown you what Gunga Govin Sing was, I shall bring before you Mr. Hastings' last act of friendship for him. Not that I have quite shown you everything, but pretty well, I

think, respecting this man. There is a great deal concerning his character and conduct that is laid by; and I do believe that whatever time I should take in expatiating upon these things, there would be "in the lowest deep still a lower deep"; for there is not a day of the inquiry that does not bring to light more and more of this evil against Mr. Hastings.

But, before I open the papers relative to this act of Mr. Hastings' friendship for Gunga Govin Sing, I must restate some circumstances that your lordships may understand thoroughly the nature of it. Your lordships may recollect that about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and, when Mr. Hastings left Bengal, eight or nine, Mr. Hastings had received from that country a bribe of about £40,000. There is a fidelity even in bribery—there is a truth and observance even in corruption; there is a justice, that, if money is to be paid for protection, protection should be given. My lords, Mr. Hastings received this bribe through Gunga Govin Sing; then, at least through Gunga Govin Sing, he ought to take care that that Rajah should not be robbed; that he should not be robbed if Gunga Govin Sing could help it; that above all he should not be robbed by Gunga Govin Sing himself.—But your lordships will find that the last act of Mr. Hastings' life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed on the 16th of February, 1785, when he was on board in the mouth of the Ganges, and preparing to visit his native country, let us see what the last act

of his life then was. Hear the last tender accents of the dying swan upon the Ganges: "The regret which I cannot but feel in relinquishing the service of my honorable employers would be much embittered were it accompanied by the reflection that I have neglected the merits of a man who deserves no less of them than of myself, Gunga Govin Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago selected for his superior talents to fill the office of dewan to the Calcutta committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say that he has performed the duties of his office with fidelity, diligence, and ability. To myself he has given proofs of a constancy and attachment, which neither the fears nor expectations excited by the prevalence of different influence could shake; and at a time too when these qualities were so dangerous that, far from finding them among the generality of his countrymen, I did not invariably meet with them among my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding him; for justice, gratitude, generosity, and even policy demand it: and I resort to the board for the means of performing so necessary a duty, in full confidence that, as those which I shall point out are neither incompatible with the Company's interest nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govin Sing I deliver the accompanying durkausts, or petitions, for grants of lands lying in different districts; the total jumma, or rent, of which amount to rupees 2,38,061. 12. 1."

Your lordships recollect that Mr. Larkins was one of

the bribe agents of Mr. Hastings; one, I mean, of a corporation, but not corporate in their acts. My lords, Mr. Larkins has told you, he has told us, and he has told the court of directors, that Mr. Hastings parted in a quarrel with Gunga Govin Sing because he had not faithfully kept his engagement with regard to his bribe; and that, instead of £40,000 from Dinagepore, he had only paid him £80,000. My lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings' behavior at parting, that he either had in fact received this money from Gunga Govin Sing, or in some way or other had abundant reason to be satisfied; that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands* (so described by Mr. Hastings) to Gunga Govin Sing. Your lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts which Gunga Govin Sing knows how to practice (I mean conciliatory honest arts) he had fairly wiped away all resentment out of Mr. Hastings' mind; and he, who so long remembered the affront offered him by Cheit Sing, totally forgets Gunga Govin Sing's fraud of £10,000, and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states among Gunga Govin's merits, that he had, from the time of its institution, and with a very short intermission, served the office of dewan to the Calcutta committee. That short intermission was, when he was turned out of office upon proof of peculation and

embezzlement of public money; but of this cause of the intermission in the political life and political merits of Gunga Govin Sing Mr. Hastings does not tell you.

Your lordships shall now hear what opinion a member of the provincial council at Calcutta, in which he had also served, had of him. "Who is Gunga Govin Sing?" The answer is: "He was, when I left Bengal, dewan to the committee of revenue. What was his office and power during Mr. Hastings' administration since 1780?—He was formerly dewan to the provincial council stationed at Calcutta, of which I was a member. His conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be a humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavored to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices; a different pretence was held out for our dismissal, but it was only a pretence. Since his appointment as dewan to the present committee of revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale. What was the general opinion of the natives of the use he made of his power?—He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favor and employment from the Governor. There is hardly a native family of rank or credit within the three provinces whom he has not some time or other distressed and afflicted; scarce a zemindary that he has not dismembered and plundered. Were you in a situation to know this to be true?—I certainly was.



What was the general opinion, and your own, concerning his wealth?—It is almost impossible to form a competent judgment, his means of acquiring it have been so extensive. I had an account shown to me about July, 1785, stating his acquisitions at three hundred and twenty lacs of rupees, that is, £3,200,000."

My lords, I have only to add, that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is uncertain; but the enormity of his wealth is universally believed: yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire what recommended him particularly to Mr. Hastings. Your lordships have seen that he was on the point of being dismissed for misbehavior and oppression by that Calcutta committee, his services to which Mr. Hastings gives as one proof of his constant and uniform good behavior. "He had executed," he says, "the duties of his office with fidelity, diligence, and ability." These are his public merits; but he has private merits—"To myself," he says, "he has given proofs of constancy and attachment."

Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask what those services were which have so strongly recommended him to Mr. Hastings, and induced him to speak so favorably of his public services. What those services are does not appear; we have searched the records for them (and those records are very busy and loquacious), about that period of time, during which Mr. Hastings was laboring under an eclipse, and near the dragon's mouth, and all the drums of Bengal

beating to free him from this dangerous eclipse. During this time there is nothing publicly done, there is nothing publicly said, by Gunga Govin Sing. There were then some services of Gunga Govin Sing that lie undiscovered, which he takes as proofs of attachment. What could they be? they were not public; nobody knows anything of them; they must, by reference to the time, as far as we can judge of them, be services of concealment. Otherwise, in the course of this business it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govin Sing to him were. *His* services to Gunga Govin Sing were pretty conspicuous; for, after he was turned out for speculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the council were about to set them at liberty, they were set at liberty themselves; they were dismissed their offices. Your lordships see, then, what his public services were. His private services are unknown; they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were that recommended him to Mr. Hastings.

Having looked at his public services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your lordships hear what reward he thought proper to secure for himself; and, I believe, a man who has power like Gunga Govin Sing, and a disposition like Gunga Govin Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself, and virtue is said to be its own re-

ward, the virtue of Gunga Govin Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself; but that it was necessary for the honor and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your lordships will observe that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagore, from whence he had taken the bribe of £40,000. My lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect) the responsibility of this day—he was, I say, shameless enough, not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors; for he has really done so by making it impossible almost to know anything of the true state of that country: and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govin Sing with his parting authority, which authority he made the people there believe would be greater in England than it was in India, but he is an evidence; he declares that “to his own knowledge these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government.”

My lords (as I said), Mr. Hastings becomes a witness, and, I believe, in the course of the proceedings you will find, a false witness, for Gunga Govin Sing. “To my

own knowledge," says he, "they are vacant." Why, I cannot find that Mr. Hastings had ever been in Dinagopore; or, if he had, it must have been only as a passenger. He had not the supervision of the district in any other sense than with that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles' eyes are commonly used. He becomes, you see, a witness for Gunga Govin Sing, and orders to be given him, as a recompense for all the iniquitous acts this man committed, the lands of that very Rajah who through the hands of Gunga Govin Sing had given an enormous bribe to Mr. Hastings. These lands were not without an ownership, but were lands in the hands of the Rajah, and were to be severed from the zemindary and given to Gunga Govin Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of dewan to the Calcutta committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govin Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though in this country we know a son may possibly be free from the control of his father, yet

the meanest slave is not in a more abject condition of slavery than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care that a full and fair rent is secured to government; and above all it is his business to take care of the body of laws, the *royjaun mulluck*, or custom of the country, of which he is the guardian as the head of the law. It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split, or any portion of it separated, without the consent of the government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under color of a fraudulent and fictitious sale. By the laws of that country, by the common laws of nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man who ought to have prevented such an act: he has the same sacred guardianship of minors that the Chancellor of England has. This man got to himself those lands by a fraudulent and probably forged deed, for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him; he did not dare to quarrel with him upon such an article, because he who would purchase could take.

The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than the law of this, gave ap-

parently his consent. And these were the very lands that Mr. Hastings speaks of as "lands entirely at the disposal of government." All this came before the council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast oppressive weight taken off it—there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly, this minor Rajah got some person kind enough to tell him that he was a minor—that he could not part with his estate; and this, with the other shocking and illegal parts of the process, was stated by him to the council, who had Mr. Hastings' recommendation of Gunga Govin Sing before them. The council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous daring piece of iniquity, began to inquire further, and to ask, how came this his near relation to consent? He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting anything for it; the wickedness was in him, and the profit in Gunga Govin Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another atrocious iniquity, that shows you the powers which Gunga Govin Sing possessed.—"Gunga Govin Sing," says he, "is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me forever, if I had not been invited to that funeral festival." These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may depend upon it, in a royal

manner, by him, upon burying his mother: any person left out was marked, despised, and disgraced. "But he had it in his power, and I was threatened to be deprived of my caste by his register, who had the caste in his absolute disposition." Says he, "I was under terror, I was under duress, and I did it."

Gunga Govin Sing was fortified by the opinion that the governor, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now! I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govin Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent, barefaced denials and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zemindary might be parted without the consent of the government—that a minor might be deprived of it—that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings' great refuge; he was driven to say, "the government in this country has arbitrary power—the power of government is everything—the right of the subject nothing—they have at all times separated zemindaries from their lawful proprietors. Give me what Mr. Hastings

has constantly given to other people without any right, or shadow or semblance of right, at all."—God knows, it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your lordships, that it would hardly be believed, were it not that I am constantly, as I hope I shall constantly be, guarded with evidence, and that the strongest that can be, even the evidence of the parties themselves.

"From your inquiry (Gunga Govin Sing says to the council) every circumstance will appear in its true colors. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favor and countenance of the ruling powers.

"By what means did this zemindar of Dinagepore get possession of purgunnah Buttassim after the death of Ry-cobad Chowdry, in 1158; of purgunnah Coolygong after the death of Sahebrance Chowderanne, in the same year, notwithstanding his heirs existed; and of purgunnah Sun-toe, etc., during the lifetime of Sumboonant, the zemindar, in 1167—all without right, title, or pecuniary consideration? This has been the case with many purgunnahs in his zemindary, and indeed exists in many other zemindaries besides, since the Company's accession. Ramkissen, in 1172, got possession of Nurrulloor, the zemindary of Mahomed Ali: the purgunnah of Ichanguipore, etc., was in three divisions, in 1178. The petition of Govin Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share. Purgunnah Baharbund belonged to the zemindary of Ranny Bhowanny, and, in 1180, was made over to Lucknaut Nundy. All these



changes took place in the lifetime of the rightful possessors, without right, title, or purchase."

Your lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom your lordships have heard before, called Cantoo Baboo, the banyan of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of a part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings' banyan; and then (you see the consequence of good examples) comes Gunga Govin Sing, and says, I am as good a man as he; there is a zemindary given; then do as much for Gunga Govin Sing as you have done for Cantoo Baboo. Here is an argument drawn from the practice of Mr. Hastings. And this shows your lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings; and no man will hereafter dare to rob minors, no man will hereafter dare to rob widows, to give to the vilest of mankind, their own base instruments, for their own nefarious purposes, the lands of others without right, title, or purchase.

My lords, I will not after this state to you the false representation of the value of these lands, which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them, as shall be stated when it comes before your lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as

they illustrate principles, and to show how precedents spread.

I believe your lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavor to do, as much as possible of the grounds of them. I will venture to say, that no description that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your lordships with the strength which they have in themselves; and your lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase; give it to me without right, title, or purchase—give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of this exemplary grant, of this pattern for future proceedings, I will show your lordships the consequence.

I will read to your lordships part of the examination of a witness, taken from a report of a committee of the House of Commons.

"Are you acquainted with the situation of the zemindary of Baharbund?—It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighborhood. To whom did it originally belong?—I believe, to the zemindary of Radshi, belonging to Ranny Bhowanny. For what reason was it taken from the Ranny of Radshi and given to Cantoo Baboo?—I do not exactly recollect: I believe, on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in the revenue, owing to mismanagement. On what terms was it granted to Cantoo Baboo or his son?—I believe it was a grant in perpetu-

ity, at the revenue of rupees 82,000 or 83,000 per annum. What amount did he collect from the country?—I cannot tell. The year I was in that neighborhood, the settlement with his under-tenants was something about 3,53,000 rupees. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the committee of revenue. They were stopped at Cossimbuzar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, in what manner I cannot say."

Your lordships see, Mr. Hastings' banyan got this zemindary belonging to this venerable lady, unable to protect herself; that it was granted to him without right, title, or purchase. To show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called . . . . . for some favor from government, which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, "I have never entertained any such intention or idea," that is, of seizing upon other people's zemindaries, "neither am I at all desirous of acquiring any other person's zemindary in this country," etc. . . .

[*The document read here is wanting, ending*] "as several Calcutta banyans have done," etc. . . .

He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govin Sing govern himself upon the direct precedent of Cantoo Baboo, the banyan of Mr. Hastings; and this other

instrument of his in like manner calls upon government for favor of some kind or other, upon the same principle and the same precedent.

Your lordships now see how necessary it was to say something about arbitrary power: for, first, the wicked people of that country (Mr. Hastings' instruments I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off and have recourse to arbitrary power; and say, It is true, I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right; but you have arbitrary power: you have exercised it upon other occasions; exercise it upon this; give me the rights of other people. This was the last act, and, I hope, will be the last act of Mr. Hastings' wicked power, done by the wickedest man in favor of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your lordships with; I will now state the conduct of the council, and the resolution about Gunga Govin Sing. I am to inform your lordships that there was a reference made by the council to the committee of revenue, namely, to Gunga Govin Sing himself; a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the committee, being such as I have described, very naturally were silent. Gunga Govin Sing *loquitur solus*—in the manner you have just heard; the committee were the chorus; they sometimes talk—fill up a vacant part, but Gunga Govin Sing was the great actor, the sole one. The report of this

committee being laid before the council, Mr. Stables, one of the board, entered the following minute on the fifteenth of May, 1785: "I have perused the several papers upon this subject, and am sorry to observe that the committee of revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away—I mean, on the actual value of the lands in question: what the amount derived from them has been in the last year, and what advantages or disadvantages to government by the sale; and whether, in their opinion, the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govin Sing, the dewan, to enter into the particular assertions of each party.

"The representations of the Rajah's agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses, '*that their common enemies would set aside the act before it was complete,*' show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial.

"But it is clearly established and admitted by the language and writings of both parties, that there has been a most unwarrantable collusion in endeavoring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, '*that no zemindar, and other landholder, paying revenue to government, shall be permitted to alienate his lands, without the express authority of that government.*'

"The defence set up by Gunga Govin Sing does not go to disavow the transaction; for if it did, the deed of

sale, etc., produced by himself, and the petition to the board for its confirmation, would detect him; on the contrary, he openly admits its existence, and only strives to show that it was a voluntary one on the part of the Ranny and the servants of the Rajah. Whether voluntary or not, was equally criminal in Gunga Govin Sing, as the public officer of government, because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct, as dewan and native guardian of the public rights intrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but as dewan, and exercising the efficient office of canongoe, to prevent, detect, expose, and apprise his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his hereditary possessions, as he would have been if this transaction had not been detected; whereas, on the contrary, the dewan is himself the principal mover and sole instrument in that fraud and robbery, if I am rightly informed,<sup>1</sup> to the amount of 42,474 rupees in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to (in my opinion) a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

"If offences of this dark tendency and magnitude were

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<sup>1</sup> Vakeel states Mofussil Jumma, of Salbarry, for 1,191 8 <sup>2</sup> R <sup>2</sup>	96,229
Purchase money . . . . .	53,755
	<hr/>
Per annum, loss . . . . .	42,474

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not to be punished in a public manner, the high example here set the natives employed under the government by their first native officer would very soon render our authority contemptible, and operate to the destruction of the public revenues.—I will not dwell further on the contradictions in these papers before us on this subject.

“But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer, and how sacredly they have viewed the public institutes on this subject, which have been violated and trampled on; and it will suffice to show their public orders on a similar instance, which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting.

“I desire the board’s letter to the committee on this subject, dated the 31st of May, 1782, may be read, and a copy be annexed to this minute.

“I therefore move the board, that Gunga Govin Sing may be forthwith required to surrender the original deeds produced by him, as a title to the grant of Salbarry, in order that they may be returned to the Rajah’s agents, to be made null and void.

“I further move the board, that the dewan Gunga Govin Sing, together with his naib Prawn Kishin Sing, his son, and all his dependants, be removed from their offices, and that the roy royan, Rajah Rajebullub, whose duty only Gunga Govin Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govin Sing be ordered to deliver up all official papers of the sircar to the committee of revenue and the

roy royan, and that they be ordered accordingly to take charge of them, and finally settle all accounts."—This motion was overruled, and no final proceeding appears.

My lords, you have heard the proceedings of the court before which Gunga Govin Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your lordships will judge by that last act of Mr. Hastings what the rest of his whole life was.—My lords, I do not mean now to go further than just to remind your lordships of this, that Mr. Hastings' government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of suppression of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government, in order to defeat the ends which all governments ought in common to have in view. Thus, my lords, I show you, at one point of view, what you are to expect from him in all the rest. I have, I think, made out as clear as can be to your lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual; that it was not urged upon him at the moment, but was regular and systematic. I have shown to your lordships the operation of such a system on the revenues.

My lords, Mr. Hastings pleads one constant merit to, justify those acts; namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that it will considerably tend to the increase of the revenue.—Your lordships will



see, when he sold to wicked men the province of Bahar, in the same way in which Debi Sing had this province of Dinagapore, that consequences of a horrid and atrocious nature (though not to so great an extent) followed from it. I will just beg leave to state to your lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another provincial council; that he turned out that provincial council, and sold that government to two wicked men—one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanors in a subordinate situation of government.

Mr. Hastings destroyed the council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man—this bankrupt, this man of evil and desperate character, this mismanager of the public revenue in an inferior station; and, as he had given Bengal to Gunga Govin Sing, he gave this province to Rajahs Kellaram and Cullian Sing.

It was done upon this principle, that they would increase and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was giving a bribe of £40,000 to Mr. Hastings. How he disposed of it I don't know. He says, I disposed of it to the public, and it was in a case of emergency. You will see in the course of this business the falsehood of that pretence; for you will see, though the obligation is given for it as a round sum of

money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue?—The very reverse. Those persons who had given this bribe of £40,000, at the end of that year were found £80,000 in debt to the Company. The Company always loses when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue, the Company loses often double. But I hope and trust your lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances, instead of one of the advantages, of this system.

It has been necessary to lay these facts before you (and I have stated them to your lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things that disgrace human nature), that you may be enabled fully to enter into the dreadful consequences which attend a system of bribery and corruption in a governor-general. On a transient view bribery is rather a subject of disgust than horror—the sordid practice of a venal, mean, and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another; at worst a theft. But it will appear in a very different light, when you regard the consideration for which the bribe is given; namely, that a governor-general, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of a whole people to the arbitrary discretion of any wicked and rapacious person, who will be sure to make good from their blood

the purchase he has paid for his power over them. It is possible that a man may pay a bribe merely to redeem himself from some evil. It is bad, however, to live under a power whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the public money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst), because none but those who do not scruple the use of any means are capable, consistently with profit, to discharge at once the rigid demands of a severe public revenue and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure: the authority that is to restrain, to control, to punish them, is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But when once the line of just and legal demand is transgressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know that men must

be well paid (and they ought to be well paid) for the performance of honorable duty, can we think that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness, for the sole emolument of dishonest employers? No; they must have their full share of the prey, and the greater share as they are the nearer and more necessary instruments of the general extortion. We must not therefore flatter ourselves, when Mr. Hastings takes £40,000 in bribes for Dinagepore and its annexed provinces, that from the people nothing more than £40,000 is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course, and all a necessary consequence involved in the very substance of Mr. Hastings' bribery.

I, therefore, charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six provincial councils, which he had no right to destroy.

I charge him with having delegated to others that power which the act of Parliament had directed him to preserve inalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of £62,000 per annum.

I charge him with having appointed a person their dewan, to whom these Englishmen were to be subservient

tools; whose name, to his own knowledge, was by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by everything that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power which he had thus separated from the council-general and from the provincial councils.

I charge him with taking bribes of Gunga Govin Sing.

I charge him with not having done that bribe service which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world; and by whom the Rajah, his family and dependants were cruelly oppressed.

I charge him with having committed to the management of Debi Sing three great provinces; and thereby, with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burned their houses, seized their crops, tortured and degraded their persons, and destroyed the honor of the whole female race of that country.

In the name of the Commons of England, I charge all

this villany upon Warren Hastings, in this last moment of my application to you.

My lords, what is it that we want here to a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much iniquity ever laid to the charge of any one?—No, my lords, you must not look to punish any other such delinquent from India.—Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor you want?—You have before you the Commons of Great Britain as prosecutors; and, I believe, my lords, that the sun in his beneficent progress round the world does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of nature, united by the bond of a social and moral community—all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My lords, here we see virtually in the mind's eye that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as the fond wishes of the people of England wish an heir-apparent

of the crown to be. We have here all the branches of the royal family in a situation between majesty and subjection, between the sovereign and the subject—offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My lords, we have a great hereditary peerage here; those who have their own honor, the honor of their ancestors, and of their posterity, to guard; and who will justify, as they have always justified, that provision in the Constitution by which justice is made a hereditary office. My lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun: we have those who by various civil merits and various civil talents have been exalted to a situation which they well deserve, and in which they will justify the favor of their sovereign, and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place in which they administered high though subordinate justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My lords, you have here also the lights of our religion; you have the bishops of England. My lords, you have that true image of the primitive church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon

the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity; a religion which so much hates oppression, that when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people—and thereby made it a firm and ruling principle, that their welfare was the object of all government; since the person, who was the Master of Nature, chose to appear himself in a subordinate situation. These are the considerations which influence them, which animate them, and will animate them, against all oppression; knowing that he who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made himself "the servant of all."

My lords, these are the securities which we have in all the constituent parts of the body of this House. We know then, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore, it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esq., of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonored.

I impeach him in the name of the people in India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.



I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life.



HENRY GRATTAN

*Orations—Vol. Four, p. 397*



# HENRY GRATTAN

**H**ENRY GRATTAN was born in 1746; his father, a Protestant, was for many years Recorder of the City of Dublin, and for five years its representative in the Irish Parliament. His mother was a daughter of Thomas Marlay, Chief-Justice of Ireland. Both at school and at Trinity College, Dublin, which he entered in 1763, young Grattan greatly distinguished himself. In 1767 he began to keep his terms in the Middle Temple, London, and was called to the Irish bar in 1772. From the time that he left the university, he seems to have given his attention chiefly to politics and to the study of popular oratory. When in 1775 he entered the Irish Parliament, his powers were already under full command, and he became almost immediately the acknowledged leader of the Opposition. It was he more than any other man who secured the repeal of Poyning's Act, and the resultant independence of the Irish Parliament. Before the rebellion of 1798 Grattan had retired to private life, but in 1800, though in feeble health, he re-entered the Irish Parliament for the special purpose of opposing the motion for union with Great Britain. He exerted all his eloquence in condemnation of the measure. After the Union was effected, he withdrew a second time from public life, but in 1805 entered the English Parliament in order to render his assistance to the passing of the Catholic relief bill. He continued to advocate the concession of political rights to Catholics up to his death, in 1820. It is thought that, as regards subject matter, his speeches do not suffer from comparison even with those of Burke, while they are almost unequalled in respect of the incisive vigor and startling originality of the style.

## AGAINST ENGLISH IMPERIALISM

DELIVERED IN THE IRISH PARLIAMENT, APRIL 19, 1780

**S**IR, I have entreated an attendance on this day that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woollen manufacture, or when the 6th of George I.

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declared this country to be dependent and subject to laws to be enacted by the Parliament of England, I should have made a covenant with my own conscience to seize the first moment of rescuing my country from the ignominy of such acts of power; or, if I had a son, I should have administered to him an oath that he would consider himself a person separate and set apart for the discharge of so important a duty; upon the same principle I am now come to move a Declaration of Right, the first moment occurring, since my time, in which such a declaration could be made with any chance of success, and without aggravation of oppression.

Sir, it must appear to every person that, notwithstanding the import of sugar and export of woollens, the people of this country are not satisfied—something remains; the greater work is behind; the public heart is not well at ease. To promulgate our satisfaction; to stop the throats of millions with the votes of Parliament; to preach homilies to the volunteers; to utter invectives against the people, under pretence of affectionate advice, is an attempt, weak, suspicious, and inflammatory.

You cannot dictate to those whose sense you are intrusted to represent; your ancestors, who sat within these walls, lost to Ireland trade and liberty; you, by the assistance of the people, have recovered trade; you still owe the kingdom liberty; she calls upon you to restore it.

The ground of public discontent seems to be: "We have gotten commerce, but not freedom"; the same power which took away the export of woollens and the export of glass may take them away again; the repeal is partial, and the ground of repeal is upon a principle of expediency.

Sir, "expedient" is a word of appropriated and tyrannical import; "expedient" is an ill-omened word, selected to express the reservation of authority, while the exercise is mitigated; "expedient" is the ill-omened expression of the Repeal of the American Stamp Act. England thought it "expedient" to repeal that law; happy had it been for mankind, if, when she withdrew the exercise, she had not reserved the right! To that reservation she owes the loss of her American empire, at the expense of millions, and America the seeking of liberty through a sea of bloodshed. The repeal of the Woollen Act, similarly circumstanced, pointed against the principle of our liberty—a present relaxation, but tyranny in reserve—may be a subject for illumination to a populace, or a pretence for apostasy to a courtier, but cannot be the subject of settled satisfaction to a freeborn, intelligent, and injured community. It is therefore they consider the free trade as a trade *de facto*, not *de jure*; as a license to trade under the Parliament of England, not a free trade under the charters of Ireland;—as a tribute to her strength to maintain which she must continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe. This dissatisfaction, founded upon a consideration of the liberty we have lost, is increased when they consider the opportunity they are losing; for if this nation, after the death wound given to her freedom, had fallen on her knees in anguish, and besought the Almighty to frame an occasion in which a weak and injured people might recover their rights, prayer could not have asked, nor God have furnished, a moment more opportune for the restoration of

liberty, than this, in which I have the honor to address you.

England now smarts under the lesson of the American War; the doctrine of Imperial legislature she feels to be pernicious; the revenues and monopolies annexed to it she has found to be untenable; she lost the power to enforce it; her enemies are a host, pouring upon her from all quarters of the earth; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last connection, you are the only nation in Europe that is not her enemy. Besides, there does, of late, a certain damp and spurious supineness overcast her arms and councils, miraculous as that vigor which has lately inspirited yours—for with you everything is the reverse; never was there a Parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army; nor do we only possess an unconquerable force, but a certain unquenchable public fire, which has touched all ranks of men like a visitation.

Turn to the growth and spring of your country, and behold and admire it; where do you find a nation who, upon whatever concerns the rights of mankind, expresses herself with more truth or force, perspicuity or justice? not the set phrase of scholastic men, not the tame unreality of court addresses, not the vulgar raving of a rabble, but the genuine speech of liberty, and the unsophisticated oratory of a free nation.

See her military ardor, expressed, not only in forty

thousand men, conducted by instinct as they were raised by inspiration, but manifested in the zeal and promptitude of every young member of the growing community. Let corruption tremble; let the enemy, foreign or domestic, tremble; but let the friends of liberty rejoice at these means of safety and this hour of redemption. Yes; there does exist an enlightened sense of rights, a young appetite for freedom, a solid strength, and a rapid fire, which not only put a declaration of right within your power, but put it out of your power to decline one. Eighteen counties are at your bar; they stand there with the compact of Henry, with the charter of John, and with all the passions of the people. "Our lives are at your service, but our liberties—we received them from God; we will not resign them to man." Speaking to you thus, if you repulse these petitioners, you abdicate the privileges of Parliament, forfeit the rights of the kingdom, repudiate the instruction of your constituents, bilge the sense of your country, palsy the enthusiasm of the people, and reject that good which not a minister, not a Lord North, not a Lord Buckinghamshire, not a Lord Hillsborough, but a certain providential conjuncture, or, rather, the hand of God, seems to extend to you. Nor are we only prompted to this when we consider our strength; we are challenged to it when we look to Great Britain. The people of that country are now waiting to hear the Parliament of Ireland speak on the subject of their liberty; it begins to be made a question in England whether the principal persons wish to be free; it was the delicacy of former Parliaments to be silent on the subject of commercial restrictions, lest they should show a knowledge of the fact, and not a sense of the violation; you have spoken out, you have shown



a knowledge of the fact, and not a sense of the violation. On the contrary, you have returned thanks for a partial repeal made on a principle of power; you have returned thanks as for a favor, and your exultation has brought your characters, as well as your spirit, into question, and tends to shake to her foundation your title to liberty; thus you do not leave your rights where you found them. You have done too much not to do more; you have gone too far not to go on; you have brought yourselves into that situation in which you must silently abdicate the rights of your country, or publicly restore them. It is very true you may feed your manufacturers, and landed gentlemen may get their rents, and you may export woollen, and may load a vessel with baize, serges, and kerseys, and you may bring back again directly from the plantations sugar, indigo, speckle-wood, beetle-root, and panellas. But liberty, the foundation of trade, the charters of the land, the independency of Parliament, the securing, crowning, and the consummation of everything are yet to come. Without them the work is imperfect, the foundation is wanting, the capital is wanting, trade is not free, Ireland is a colony without the benefit of a charter, and you are a provincial synod without the privileges of a Parliament.

I read Lord North's proposition; I wish to be satisfied, but I am controlled by a paper—I will not call it a law—it is the 6th of George I. [The paper was read.] I will ask the gentlemen of the long robe: Is this the law? I ask them whether it is not practice. I appeal to the judges of the land whether they are not in a course of declaring that the Parliament of Great Britain, naming Ireland, binds her. I appeal to the magistrates of justice whether they do not, from time to time, execute certain acts of the

British Parliament. I appeal to the officers of the army whether they do not fine, confine, and execute their fellow-subjects by virtue of the Mutiny Act, an act of the British Parliament; and I appeal to this House whether a country so circumstanced is free. Where is the freedom of trade? Where is the security of property? Where is the liberty of the people? I here, in this Declamatory Act, see my country proclaimed a slave! I see every man in this House enrolled a slave! I see the judges of the realm, the oracles of the law, borne down by an unauthorized foreign power, by the authority of the British Parliament against the law! I see the magistrates prosecute, and I see Parliament witness of these infringements, and silent—silent or employed to preach moderation to the people, whose liberties it will not restore! I therefore say, with the voice of three million people, that, notwithstanding the import of sugar, beetle-wood, and panellas, and the export of woollens and kerseys, nothing is safe, satisfactory, or honorable, nothing except a declaration of right. What! are you, with three million men at your back, with charters in one hand and arms in the other, afraid to say you are a free people? Are you, the greatest House of Commons that ever sat in Ireland, that want but this one act to equal that English House of Commons that passed the Petition of Right, or that other that passed the Declaration of Right—are you afraid to tell that British Parliament you are a free people? Are the cities and the instructing counties, who have breathed a spirit that would have done honor to old Rome when Rome did honor to mankind—are they to be free by connivance? Are the military associations, those bodies whose origin, progress, and deportment have transcended, or equalled at least,

anything in modern or ancient story—is the vast line of the northern army—are they to be free by connivance? What man will settle among you? Where is the use of the Naturalization Bill? What man will settle among you? who will leave a land of liberty and a settled government for a kingdom controlled by the Parliament of another country, whose liberty is a thing by stealth, whose trade a thing by permission, whose judges deny her charters, whose Parliament leaves everything at random; where the chance of freedom depends upon the hope that the jury shall despise the judge stating a British act, or a rabble stop the magistrate executing it, rescue your abdicated privileges, and save the Constitution by trampling on the Government—by anarchy and confusion!

But I shall be told that these are groundless jealousies, and that the people of the principal cities, and more than one-half of the counties of the kingdom, are misguided men, raising those groundless jealousies. Sir, let me become, on this occasion, the people's advocate, and your historian; the people of this country were possessed of a code of liberty similar to that of Great Britain, but lost it through the weakness of the kingdom and the pusillanimity of its leaders. Having lost our liberty by the usurpation of the British Parliament, no wonder we became a prey to her ministers; and they did plunder us with all the hands of all the harpies, for a series of years, in every shape of power, terrifying our people with the thunder of Great Britain, and bribing our leaders with the rapine of Ireland. The kingdom became a plantation; her Parliament, deprived of its privileges, fell into contempt; and, with the legislature, the law, the spirit of liberty, with her forms vanished. If a war broke out, as

in 1778, and an occasion occurred to restore liberty and restrain rapine, Parliament declined the opportunity; but with an active servility and trembling loyalty, gave and granted, without regard to the treasure we had left, or the rights we had lost. If a partial reparation was made upon a principle of expediency, Parliament did not receive it with the tranquil dignity of an august assembly, but with the alacrity of slaves.

The principal individuals, possessed of great property but no independence, corrupted by their extravagance, or enslaved by their following a species of English factor against an Irish people, more afraid of the people of Ireland than the tyranny of England, proceeded to that excess that they opposed every proposition to lessen profusion, extend trade, or promote liberty; they did more, they supported a measure which, at one blow, put an end to all trade; they did more, they brought you to a condition which they themselves did unanimously acknowledge a state of impending ruin; they did this, talking as they are now talking, arguing against trade as they now argue against liberty, threatening the people of Ireland with the power of the British nation, and imploring them to rest satisfied with the ruins of their trade, as they now implore them to remain satisfied with the wreck of their Constitution.

The people thus admonished, starving in a land of plenty, the victim of two Parliaments, of one that stopped their trade, the other that fed on their Constitution, inhabiting a country where industry was forbidden, or towns swarming with begging manufacturers, and being obliged to take into their own hands that part of government which consists in protecting the subject, had recourse to two

measures, which, in their origin, progress, and consequence, are the most extraordinary to be found in any age or in any country, namely, a commercial and military association. The consequence of these measures was instant; the enemy that hung on your shores departed, the Parliament asked for a free trade, and the British nation granted the trade, but withheld the freedom. The people of Ireland are, therefore, not satisfied; they ask for a Constitution; they have the authority of the wisest men in this House for what they now demand. What have these walls for this last century resounded? The usurpation of the British Parliament, and the interference of the Privy Council. Have we taught the people to complain, and do we now condemn their insatiability, because they desire us to remove such grievances, at a time in which nothing can oppose them, except the very men by whom these grievances were acknowledged?

Sir, we may hope to dazzle with illumination, and we may sicken with addresses, but the public imagination will never rest, nor will her heart be well at ease—never! so long as the Parliament of England exercises or claims a legislation over this country: so long as this shall be the case, that very free trade, otherwise a perpetual attachment, will be the cause of new discontent; it will create a pride to feel the indignity of bondage; it will furnish a strength to bite your chain, and the liberty withheld will poison the good communicated.

The British Minister mistakes the Irish character: had he intended to make Ireland a slave, he should have kept her a beggar; there is no middle policy; win her heart by the restoration of her right, or cut off the nation's right hand; greatly emancipate, or fundamentally destroy.

We may talk plausibly to England, but so long as she exercises a power to bind this country, so long are the nations in a state of war; the claims of the one go against the liberty of the other, and the sentiments of the latter go to oppose these claims to the last drop of her blood. The English opposition, therefore, are right; mere trade will not satisfy Ireland—they judge of us by other great nations, by the nation whose political life has been a struggle for liberty; they judge of us with a true knowledge of, and just deference for, our character—that a country enlightened as Ireland, chartered as Ireland, armed as Ireland, and injured as Ireland, will be satisfied with nothing less than liberty.

I admire that public-spirited merchant [Alderman Horan] who spread consternation at the custom house, and, despising the example which great men afforded, determined to try the question, and tendered for entry what the British Parliament prohibits the subject to export, some articles of silk, and sought at his private risk the liberty of his country; with him I am convinced it is necessary to agitate the question of right. In vain will you endeavor to keep it back; the passion is too natural, the sentiment is too irresistible; the question comes on of its own vitality! You must reinstate the laws!

There is no objection to this resolution, except fears; I have examined your fears; I pronounce them to be frivolous. I might deny that the British nation was attached to the idea of binding Ireland; I might deny that England was a tyrant at heart; and I might call to witness the odium of North and the popularity of Chatham, her support of Holland, her contributions to Corsica, and the charters communicated to Ireland; but ministers have

traded England to debase Ireland; and politicians, like priests, represent the power they serve as diabolical, to possess with superstitious fears the victim whom they design to plunder. If England is a tyrant, it is you who have made her so; it is the slave that makes the tyrant, and then murmurs at the master whom he himself has constituted. I do allow, on the subject of commerce, England was jealous in the extreme, and I do say it was commercial jealousy, it was the spirit of monopoly (the woollen trade and the act of navigation had made her tenacious of a comprehensive legislative authority), and having now ceded that monopoly, there is nothing in the way of your liberty except your own corruption and pusillanimity; and nothing can prevent your being free except yourselves. It is not in the disposition of England; it is not in the interest of England; it is not in her arms. What! can 8,000,000 of Englishmen opposed to 20,000,000 of French, to 7,000,000 of Spanish, to 3,000,000 of Americans, reject the alliance of 3,000,000 in Ireland? Can 8,000,000 of British men, thus outnumbered by foes, take upon their shoulders the expense of an expedition to enslave you? Will Great Britain, a wise and magnanimous country, thus tutored by experience and wasted by war, the French navy riding her Channel, send an army to Ireland, to levy no tax, to enforce no law, to answer no end whatsoever, except to spoliage the charters of Ireland and enforce a barren oppression? What! has England lost thirteen provinces? has she reconciled herself to this loss, and will she not be reconciled to the liberty of Ireland? Take notice that the very constitution which I move you to declare Great Britain herself offered to America; it is a very instructive proceeding in the

British history. In 1778 a commission went out, with powers to cede to the thirteen provinces of America, totally and radically, the legislative authority claimed over her by the British Parliament, and the commissioners, pursuant to their powers, did offer to all or any of the American States the total surrender of the legislative authority of the British Parliament. I will read you their letter to the Congress.

*[Here the letter was read]*

What! has England offered this to the resistance of America, and will she refuse it to the loyalty of Ireland? Your fears, then, are nothing but a habitual subjugation of mind; that subjugation of mind which made you, at first, tremble at every great measure of safety; which made the principal men among us conceive the commercial association would be a war; that fear, which made them imagine the military association had a tendency to treason; which made them think a short money bill would be a public convulsion; and yet these measures have not only proved to be useful, but are held to be moderate, and the Parliament that adopted them, is praised, not for its unanimity only, but for its temper also. You now wonder that you submitted for so many years to the loss of the woollen trade and the deprivation of the glass trade; raised above your former abject state in commerce, you are ashamed at your past pusillanimity; so when you have summoned a boldness which shall assert the liberties of your country—raised by the act, and reinvested, as you will be, in the glory of your ancient rights and privileges, you will be surprised at yourselves, who have so long submitted to their violation. Moderation is but a relative

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term; for nations, like men, are only safe in proportion to the spirit they put forth, and the proud contemplation with which they survey themselves. Conceive yourselves a plantation, ridden by an oppressive government, and everything you have done is but a fortunate frenzy; conceive yourselves to be what you are, a great, a growing, and a proud nation, and a declaration of right is no more than the safe exercise of your indubitable authority.

But, though you do not hazard disturbance by agreeing to this resolution, you do most exceedingly hazard tranquillity by rejecting it. Do not imagine that the question will be over when this motion shall be negatived. No; it will recur in a vast variety of shapes and diversity of places. Your constituents have instructed you in great numbers, with a powerful uniformity of sentiment, and in a style not the less awful because full of respect. They will find resources in their own virtue if they have found none in yours. Public pride and conscious liberty, wounded by repulse, will find ways and means of vindication. You are in that situation in which every man, every hour of the day, may shake the pillars of the State; every court may swarm with the question of right; every quay and wharf with prohibited goods; what shall the judges, what the commissioners, do upon this occasion? Shall they comply with the laws of Ireland, and against the claims of England, and stand firm where you have capitulated? Shall they, on the other hand, not comply, and shall they persist to act against the law? Will you punish them if they do so? Will you proceed against them for not showing a spirit superior to your own? On the other hand, will you not punish them? Will you leave liberty to be trampled on by those men? Will you bring them and yourselves,

all constituted orders, executive power, judicial power, and parliamentary authority, into a state of odium, impotence, and contempt; transferring the task of defending public right into the hands of the populace, and leaving it to the judges to break the laws, and to the people to assert them? Such would be the consequence of false moderation, of irritating timidity, of inflammatory palliatives, of the weak and corrupt hope of compromising with the court before you have emancipated the country.

I have answered the only semblance of a solid reason against the motion; I will remove some of lesser pretences, some minor impediments: for instance, first, that we have a resolution of the same kind already on our journals, it will be said: But how often was the great charter confirmed? Not more frequently than your rights have been violated. Is one solitary resolution, declaratory of your right, sufficient for a country, whose history, from the beginning unto the end, has been a course of violation? The fact is, every new breach is a reason for a new repair; every new infringement should be a new declaration, lest charters should be overwhelmed with precedents to their prejudice, a nation's right obliterated, and the people themselves lose the memory of their own freedom.

I shall hear of ingratitude; I name the argument to despise it and the men who make use of it; I know the men who use it are not grateful, they are insatiate; they are public extortioners, who would stop the tide of public prosperity and turn it to the channel of their own emolument; I know of no species of gratitude which should prevent my country from being free, no gratitude which should oblige Ireland to be the slave of England. In cases of robbery and usurpation, nothing is an object of

gratitude except the thing stolen, the charter spoliated. A nation's liberty cannot, like her treasures, be meted and parcelled out in gratitude; no man can be grateful or liberal of his conscience, nor woman of her honor, nor nation of her liberty; there are certain unimpartable, inherent, invaluable properties, not to be alienated from the person, whether body politic or body natural. With the same contempt do I treat that charge which says that Ireland is insatiable; saying that Ireland asks nothing but that which Great Britain has robbed her of, her rights and privileges; to say that Ireland will not be satisfied with liberty, because she is not satisfied with slavery, is folly. I laugh at that man who supposes that Ireland will not be content with a free trade and a free constitution; and would any man advise her to be content with less?

I shall be told that we hazard the modification of the Law of Poynings and the Judges' Bill, and the Habeas Corpus Bill, and the Nullum Tempus Bill; but I ask you, have you been for years begging for these little things, and have not you yet been able to obtain them? And have you been contending against a little body of eighty men in Privy Council assembled, convocating themselves into the image of a parliament, and ministering your high office? And have you been contending against one man, a humble individual, to you a Leviathan—the English Attorney-General—who advises in the case of Irish bills, and exercises legislation in his own person, and makes your parliamentary deliberations a blank by altering your bills or suppressing them? And have you not yet been able to conquer this little monster? Do you wish to know the reason? I will tell you: because you have not been a parliament, nor your country a people! Do you wish to know

the remedy?—be a parliament, become a nation, and these things will follow in the train of your consequence! I shall be told that titles are shaken, being vested by force of English acts; but in answer to that, I observe, time may be a title, acquiescence a title, forfeiture a title, but an English act of Parliament certainly cannot; it is an authority, which, if a judge would charge, no jury would find, and which all the electors in Ireland have already disclaimed unequivocally, cordially, and universally. Sir, this is a good argument for an act of title, but no argument against a declaration of right. My friend who sits above me [Mr. Yelverton] has a Bill of Confirmation; we do not come unprepared to Parliament. I am not come to shake property, but to confirm property and restore freedom. The nation begins to form; we are molding into a people; freedom asserted, property secured, and the army (a mercenary band) likely to be restrained by law. Never was such a revolution accomplished in so short a time, and with such public tranquillity. In what situation would those men who call themselves friends of constitution and of government have left you? They would have left you without a title, as they state it, to your estates—without an assertion of your Constitution, or a law for your army; and this state of unexampled private and public insecurity, this anarchy raging in the kingdom for eighteen months, these mock moderators would have had the presumption to call “peace.”

I shall be told that the judges will not be swayed by the resolution of this House. Sir, that the judges will not be borne down by the resolutions of Parliament, not founded in law, I am willing to believe; but the resolutions of this House, founded in law, they will respect most

exceedingly. I shall always rejoice at the independent spirit of the distributors of the law, but must lament that hitherto they have given no such symptom. The judges of the British nation, when they adjudicated against the laws of that country, pleaded precedent and the prostration and profligacy of a long tribe of subservient predecessors, and were punished. The judges of Ireland if they should be called upon, and should plead sad necessity, the thralldom of the times, and, above all, the silent fears of Parliament, they, no doubt, will be excused: but when your declarations shall have protected them from their fears; when you shall have emboldened the judges to declare the law according to the charter, I make no doubt they will do their duty; and your resolution, not making a new law, but giving new life to the old ones, will be secretly felt and inwardly acknowledged, and there will not be a judge who will not perceive, to the innermost recess of his tribunal, the truth of your charters and the vigor of your justice.

The same laws, the same charters, communicate to both kingdoms, Great Britain and Ireland, the same rights and privileges; and one privilege above them all is that communicated by Magna Charta, by the 25th of Edward III., and by a multitude of other statutes, "not to be bound by any act except made with the archbishops, bishops, earls, barons, and freemen of the commonalty," namely, of the Parliament of the realm. On this right of exclusive legislation are founded the Petition of Right, Bill of Rights, Revolution, and Act of Settlement. The king has no other title to his crown than that which you have to your liberty; both are founded, the throne and your freedom, upon the right vested in the subject to resist

by arms, notwithstanding the oaths of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James, or the British Parliament!

Every argument for the house of Hanover is equally an argument for the liberties of Ireland; the Act of Settlement is an act of rebellion, or the declaratory statute of the 6th of George I. an act of usurpation; for both cannot be law.

I do not refer to doubtful history, but to living record; to common charters; to the interpretation England has put upon these charters—an interpretation not made by words only, but crowned by arms; to the revolution she had formed upon them, to the king she has deposed, and to the king she has established; and, above all, to the oath of allegiance solemnly plighted to the house of Stuart, and afterward set aside, in the instance of a grave and moral people absolved by virtue of these very charters.

And as anything less than liberty is inadequate to Ireland, so is it dangerous to Great Britain. We are too near the British nation, we are too conversant with her history, we are too much fired by her example, to be anything less than her equal; anything less, we should be her bitterest enemies—an enemy to that power which smote us with her mace, and to that Constitution from whose blessings we were excluded: to be ground as we have been by the British nation, bound by her Parliament, plundered by her crown, threatened by her enemies, insulted with her protection, while we return thanks for her condescension, is a system of meanness and misery which has expired in our determination, as I hope it has in her magnanimity.

There is no policy left for Great Britain but to cherish the remains of her empire, and do justice to a country who

is determined to do justice to herself, certain that she gives nothing equal to what she received from us when we gave her Ireland.

With regard to this country, England must resort to the free principles of government, and must forego that legislative power which she has exercised to do mischief to herself; she must go back to freedom, which, as it is the foundation of her Constitution, so it is the main pillar of her empire; it is not merely the connection of the crown, it is a constitutional annexation, an alliance of liberty, which is the true meaning and mystery of the sisterhood, and will make both countries one arm and one soul, replenishing from time to time, in their immortal connection, the vital spirit of law and liberty from the lamp of each other's light. Thus combined by the ties of common interest, equal trade, and equal liberty, the constitution of both countries may become immortal, a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station—the head of mankind.

That there are precedents against us I allow—acts of power I would call them, not precedents; and I answer the English pleading such precedents, as they answered their kings when they urged precedents against the liberty of England: Such things are the weakness of the times; the tyranny of one side, the feebleness of the other, the law of neither; we will not be bound by them; or, rather, in the words of the Declaration of Right: "No doing judgment, proceeding, or anywise to the contrary, shall be brought into precedent or example." Do not, then, tolerate a power—the power of the British Parliament over this land, which has no foundation in utility

or necessity, or empire, or the laws of England, or the laws of Ireland, or the laws of nature, or the laws of God—do not suffer it to have a duration in your mind.

Do not tolerate that power which blasted you for a century, that power which shattered your loom, banished your manufacturers, dishonored your peerage, and stopped the growth of your people; do not, I say, be bribed by an export of woollen, or an import of sugar, and permit that power which has thus withered the land to remain in your country and have existence in your pusillanimity.

Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of Parliament; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your grave for having interposed between them and their Maker, robbing them of an immense occasion, and losing an opportunity which you did not create, and can never restore.

Hereafter, when these things shall be history, your age of thralldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe—that here the principal men among us fell into mimic trances of gratitude—they were awed by a weak ministry, and bribed by an empty treasury—and when liberty was within their grasp, and the temple opened her folding doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold?

I might, as a constituent, come to your bar, and de-



mand my liberty. I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go—assert the law of Ireland—declare the liberty of the land.

I will not be answered by a public lie, in the shape of an amendment; neither, speaking for the subject's freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags; he may be naked, he shall not be in iron; and I do see the time is at hand, the spirit is gone forth, the declaration is planted; and though great men shall apostatize, yet the cause will live; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him.

## SPEECH AGAINST CORRY

DELIVERED IN THE IRISH PARLIAMENT, FEBRUARY 14, 1800

**H**AS the gentleman done? Has he completely done? He was unparliamentary from the beginning to the end of his speech. There was scarce a word he uttered that was not a violation of the privileges of the House; but I did not call him to order—why? because the limited talents of some men render it impossible for them to be severe without being unparliamentary. But before I sit down, I shall show him how to be severe and parliamentary at the same time. On any other occasion I should think myself justifiable in treating with silent contempt anything which might fall from that honorable member; but there are times when the insignificance of the accuser is lost in the magnitude of the accusation. I know the difficulty the honorable gentleman labored under when he attacked me, conscious that, on a comparative view of our characters, public and private, there is nothing he could say which would injure me. The public would not believe the charge. I despise the falsehood. If such a charge were made by an honest man, I would answer it in the manner I shall do before I sit down. But I shall first reply to it when not made by an honest man.

The right honorable gentleman has called me “an unimpeached traitor.” I ask, why not “traitor,” unqualified by any epithet? I will tell him; it was because he dare not. It was the act of a coward, who raises his arm to strike, but has not courage to give the blow. I will not

call him villain, because it would be unparliamentary, and he is a privy counsellor. I will not call him fool, because he happens to be Chancellor of the Exchequer. But I say he is one who has abused the privilege of Parliament and freedom of debate to the uttering language, which, if spoken out of the House, I should answer only with a blow. I care not how high his situation, how low his character, how contemptible his speech; whether a privy counsellor or a parasite, my answer would be a blow. He has charged me with being connected with the rebels: the charge is utterly, totally, and meanly false. Does the honorable gentleman rely on the report of the House of Lords for the foundation of his assertion? If he does, I can prove to the committee there was a physical impossibility of that report being true. But I scorn to answer any man for my conduct, whether he be a political coxcomb, or whether he brought himself into power by a false glare of courage or not. I scorn to answer any wizard of the Castle throwing himself into fantastical airs. But if an honorable and independent man were to make a charge against me, I would say: "You charge me with having an intercourse with the rebels, and you found your charge upon what is said to have appeared before a committee of the Lords. Sir, the report of that committee is totally and egregiously irregular." I will read a letter from Mr. Nelson, who had been examined before that committee; it states that what the report represents him as having spoken, is not what he said.

From the situation that I held, and from the connections I had in the city of Dublin, it was necessary for me to hold intercourse with various descriptions of persons. The right honorable member might as well have been

charged with a participation in the guilt of those traitors; for he had communicated with some of those very persons on the subject of parliamentary reform. The Irish government, too, were in communication with some of them.

The right honorable member has told me I deserted a profession where wealth and station were the reward of industry and talent. If I mistake not, that gentleman endeavored to obtain those rewards by the same means; but he soon deserted the occupation of a barrister for those of a parasite and pander. He fled from the labor of study to flatter at the table of the great. He found the lord's parlor a better sphere for his exertions than the hall of the Four Courts; the house of a great man a more convenient way to power and place; and that it was easier for a statesman of middling talents to sell his friends than for a lawyer of no talents to sell his clients.

For myself, whatever corporate or other bodies have said or done to me, I from the bottom of my heart forgive them. I feel I have done too much for my country to be vexed at them. I would rather that they should not feel or acknowledge what I have done for them, and call me traitor, than have reason to say I sold them. I will always defend myself against the assassin; but with large bodies it is different. To the people I will bow: they may be my enemy—I never shall be theirs.

At the emancipation of Ireland, in 1782, I took a leading part in the foundation of that Constitution which is now endeavored to be destroyed. Of that Constitution I was the author; in that Constitution I glory; and for it the honorable gentleman should bestow praise, not invent calumny. Notwithstanding my weak state of body, I come to give my last testimony against this Union, so

fatal to the liberties and interests of my country. I come to make common cause with these honorable and virtuous gentlemen around me; to try and save the Constitution; or if not to save the Constitution, at least to save our characters, and remove from our graves the foul disgrace of standing apart while a deadly blow is aimed at the independence of our country.

The right honorable gentleman says I fled from the country after exciting rebellion, and that I have returned to raise another. No such thing. The charge is false. The civil war had not commenced when I left the kingdom; and I could not have returned without taking a part. On the one side there was the camp of the rebel; on the other, the camp of the minister, a greater traitor than that rebel. The stronghold of the Constitution was nowhere to be found. I agree that the rebel who rose against the government should have suffered; but I missed on the scaffold the right honorable gentleman. Two desperate parties were in arms against the Constitution. The right honorable gentleman belonged to one of those parties, and deserved death. I could not join the rebel—I could not join the government—I could not join torture—I could not join half-hanging—I could not join free quarter—I could take part with neither. I was therefore absent from a scene where I could not be active without self-reproach, nor indifferent with safety.

Many honorable gentlemen thought differently from me; I respect their opinions, but I keep my own; and I think now, as I thought then, that the treason of the minister against the liberties of the people was infinitely worse than the rebellion of the people against the minister.

I have returned, not as the right honorable member has said, to raise another storm; I have returned to discharge an honorable debt of gratitude to my country, that conferred a great reward for past services, which, I am proud to say, was not greater than my desert. I have returned to protect that Constitution, of which I was the parent and the founder, from the assassination of such men as the honorable gentleman and his unworthy associates. They are corrupt; they are seditious; and they, at this very moment, are in a conspiracy against their country. I have returned to refute a libel as false as it is malicious, given to the public under the appellation of a report of a committee of the Lords. Here I stand ready for impeachment or trial; I dare accusation. I defy the honorable gentleman; I defy the government; I defy their whole phalanx; let them come forth. I tell the ministers I will neither give them quarter nor take it. I am here to lay the shattered remains of my constitution on the floor of this House in defence of the liberties of my country.

## UNSURRENDERING FIDELITY TO COUNTRY

SPEECH AGAINST UNION WITH ENGLAND, MAY 26, 1800

WHEN the liberty and security of one country depend on the honor of another, the latter may have much honor, but the former can have no liberty. To depend on the honor of another country is to depend on the will; and to depend on the will of another country is the definition of slavery. "Depend on my honor," said Charles I., when he trifled about the Petition of Right. I will trust the people with the custody of their own liberty, but I will trust no people with the custody of any liberty other than their own, whether that people be Rome, Athens, or Britain.

Observe how the Minister speaks of that country which is to depend hereafter on British honor, which, in his present power, is, in fact, his honor. "We had to contend with the leaders of the Protestants, 'enemies to government'; the violent and inflamed spirit of the Catholics; the disappointed ambition of those who would ruin the country because they could not be the rulers of it." Behold the character he gives of the enemies of the Union, namely, of twenty-one counties convened at public meetings by due notice; of several other counties that have petitioned; of most of the great cities and towns, or, indeed, of almost all the Irish, save a very few mistaken men, and that body whom government could influence. Thus the Minister utters a national proscription at the moment of his projected Union; he excludes by personal

abuse from the possibility of identification, all the enemies of the Union, all the friends of the parliamentary Constitution of 1782, that great body of the Irish; he abuses them with a petulance more befitting one of his Irish ministers than an exalted character, and infinitely more disgraceful to himself than to them; one would think one of his Irish railers had lent him his vulgar clarion to bray at the people.

This union of parliaments, this proscription of people, he follows by a declaration wherein he misrepresents their sentiments as he had before traduced their reputation. After a calm and mature consideration, the people have pronounced their judgment in favor of a Union; of which assertion not one single syllable has any existence in fact, or in the appearance of fact, and I appeal to the petitions of twenty-one counties publicly convened, and to the other petitions of other counties numerous signed, and to those of the great towns and cities. To affirm that the judgment of a nation is erroneous may mortify, but to affirm that her judgment against is for; to assert that she has said aye when she has pronounced no; to affect to refer a great question to the people; finding the sense of the people, like that of the Parliament, against the question, to force the question; to affirm the sense of the people to be for the question; to affirm that the question is persisted in because the sense of the people is for it; to make the falsification of her sentiments the foundation of her ruin and the ground of the Union; to affirm that her Parliament, Constitution, liberty, honor, property, are taken away by her own authority; there is, in such artifice, an effrontery, a hardihood, an insensibility, that can best be answered by sensations of astonishment and disgust, excited



on this occasion by the British Minister, whether he speaks in gross and total ignorance of the truth, or in shameless and supreme contempt for it.

The Constitution may be for a time so lost; the character of the country cannot be lost. The ministers of the Crown will, or may, perhaps at length, find that it is not so easy to put down forever an ancient and respectable nation, by abilities, however great, and by power and by corruption, however irresistible; liberty may repair her golden beams, and with redoubled heat animate the country; the cry of loyalty will not long continue against the principles of liberty; loyalty is a noble, a judicious, and a capacious principle; but in these countries loyalty, distinct from liberty, is corruption, not loyalty.

The cry of the connection will not, in the end, avail against the principles of liberty. Connection is a wise and a profound policy; but connection without an Irish Parliament is connection without its own principle, without analogy of condition, without the pride of honor that should attend it; is innovation, is peril, is subjugation—not connection.

The cry of disaffection will not, in the end, avail against the principles of liberty.

Identification is a solid and imperial maxim, necessary for the preservation of freedom, necessary for that of empire; but without union of hearts, with a separate government and without a separate parliament, identification is extinction, is dishonor, is conquest—not identification.

Yet I do not give up the country: I see her in a swoon, but she is not dead; though in her tomb she lies helpless and motionless, still there is on her lips a spirit of life, and on her cheek a glow of beauty—

"Thou art not conquered; beauty's ensign yet  
Is crimson in thy lips and in thy cheeks,  
And death's pale flag is not advanced there."

While a plank of the vessel sticks together, I will not leave her. Let the courtier present his flimsy sail, and carry the light bark of his faith with every new breath of wind: I will remain anchored here with fidelity to the fortunes of my country, faithful to her freedom, faithful to her fall.

# RICHARD SHEIL

**RICHARD LALOR SHEIL** was born in 1791 at Drumdowney, Tipperary.

He was taught French and Latin by a French refugee priest, and was afterward sent to Kensington House School, London, which was presided over by the Prince de Broglie. In 1804 he was removed to the Jesuit College at Stonyhurst, Lancashire, and three years later entered Trinity College, Dublin, where he took his B.A. degree in 1811. In the same year he entered Lincoln's Inn, and was called to the Irish bar in 1814. While awaiting clients he supported himself by writing plays. One of his pieces, "Adelaide, or the Emigrants," was produced at Dublin, in 1814, with complete success, and two years later was performed in London at Covent Garden. "The Apostate," brought out at the latter theatre in 1817, established Sheil's reputation, and encouraged him to pursue the vocation of a dramatist until his legal and political duties absorbed his time. His principal other plays were "Bellamira," "Evadne," "Huguenot," and "Montini." Along with O'Connell he was the principal leader of the agitation persistently carried on until Catholic emancipation was granted in 1829. In the same year he was returned to the House of Commons, and thereafter took a conspicuous part in all the debates relating to Ireland. His brilliant eloquence captivated the admiration of the House. In August, 1839, he became Vice-President of the Board of Trade in Lord Melbourne's administration, and, after the accession of Lord John Russell to power, in 1846, he was made Master of the Mint. In 1850 he was appointed Minister at the Court of Tuscany. He died at Florence in the following year.

## IN DEFENCE OF IRISH CATHOLICS

FROM A SPEECH DELIVERED IN 1828

**C**ALUMNIATORS of Catholicism, have you read the history of your country? Of the charges against the religion of Ireland, the annals of England afford the confutation. The body of your common law was given by the Catholic Alfred. He gave you your judges, your magistrates, your high sheriffs, your courts

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of justice, your elective system, and, the great bulwark of your liberties, the trial by jury. Who conferred upon the people the right of self-taxation, and fixed, if he did not create, their representation? The Catholic Edward I.; while, in the reign of Edward III., perfection was given to the representative system, parliaments were annually called, and the statute against constructive treason was enacted. It is false—foully, infamously false—that the Catholic religion, the religion of your forefathers, the religion of seven millions of your fellow-subjects, has been the auxiliary of debasement, and that to its influence the suppression of British freedom can, in a single instance, be referred. I am loth to say that which can give you cause to take offence; but, when the faith of my country is made the object of imputation, I cannot help, I cannot refrain, from breaking into a retaliatory interrogation, and from asking whether the overthrow of the old religion of England was not effected by a tyrant, with a hand of iron and a heart of stone—whether Henry did not trample upon freedom, while upon Catholicism he set his foot; and whether Elizabeth herself, the virgin of the Reformation, did not inherit her despotism with her creed; whether in her reign the most barbarous atrocities were not committed—whether torture, in violation of the Catholic common law of England, was not politically inflicted, and with the shrieks of agony the Towers of Julius, in the dead of night, did not reëcho.

You may suggest to me that in the larger portion of Catholic Europe freedom does not exist; but you should bear in mind that, at a period when the Catholic religion was in its most palmy state, freedom flourished in the countries in which it is now extinct. False—I repeat it,

with all the vehemence of indignant asseveration—utterly false is the charge habitually preferred against the religion which Englishmen have laden with penalties and have marked with degradation. I can bear with any other charge but this—to any other charge I can listen with endurance. Tell me that I prostrate myself before a sculptured marble; tell me that to a canvas glowing with the imagery of heaven I bend my knee; tell me that my faith is my perdition—and, as you traverse the churchyards in which your forefathers are buried, pronounce upon those who have lain there for many hundred years a fearful and appalling sentence—yes, call what I regard as the truth, not only an error, but a sin, to which mercy shall not be extended—all this I will bear—to all this I will submit—nay, at all this I will but smile—but do not tell me that I am in heart and creed a slave!—That, my countrymen cannot brook! In their own bosoms they carry the high consciousness that never was imputation more foully false, or more detestably calumnious!









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